



POLICY 2103

LEAVE POLICY

1. PURPOSE

This Policy covers all types of leave applicable to Council employees. It applies to all full-time, part-time and casual employees.

2. COMMENCEMENT OF THE POLICY

This Policy will commence from 20 June 2017.

It replaces the previous leave policy of Council, either written or perceived.

3. APPLICATION OF THE POLICY

This Policy does not form part of any employee's terms of employment.

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

4.1 "Immediate family" means:

- (a) a spouse of the employee; or
- (b) 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
- (c) a child or an adult child (including an adopted child, a step child, a 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
- (d) a same sex partner who lives with the employee as the de facto partner of that employee on a bona fide domestic basis; or
- (e) a relative of the employee who is a member of the same household, where for the purposes of this subparagraph:
 - (i) "relative" means a person related by blood, marriage or affinity;
 - (ii) "affinity" means a relationship that one spouse because of marriage has to blood relatives of the other; and
 - (iii) "household" means a family group living in the same domestic dwelling.

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 the period of illness
- provide appropriate evidence of illness or injury for periods of sick leave
- maintaining a healthy and safe lifestyle to minimise the need for accessing sick leave provisions.

6. SUPERVISOR/MANAGER RESPONSIBILITIES

Supervisors/Managers are responsible for:

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

7. HUMAN RESOURCES RESPONSIBILITIES

Human Resources staff are responsible for:

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

8. SICK AND CARER'S LEAVE

Sick leave (Clause 21A) and carer's leave (Clause 21B) are provided in accordance with the LG (State) Award 2017.

Paid sick/carers' leave for employees (other than casuals) 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. 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 a case by case basis and approval will be based on merit.

A casual employee is entitled not to be available 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.

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. HEALTH AND WELLBEING LEAVE

Health and Wellbeing leave (Clause 24) is provided to eligible employees in accordance with the LG (State) Award 2017 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

11. ANNUAL LEAVE

The Council provides annual leave (Clause 21D) in accordance with the LG (State) Award 2017 and the *Annual Holidays Act 1944* (NSW).

12. JURY SERVICE LEAVE

The Council provides Jury Service Leave (Clause 21K(i)) in accordance with the LG (State) Award 2017.

13. SPECIAL LEAVE

The council provides special leave (Clause 21L) in accordance with the LG (State) Award 2017.

14. LONG SERVICE LEAVE

Long Service Leave (Clause 21E) will be granted to all employees in accordance with the LG (State) Award 2017, and the *Long Service Leave Act 1955 (NSW)*.

15. BEREAVEMENT LEAVE

Entitlement to Bereavement Leave (Clause 21K) for Employees Covered by the LG (State) Award 2017.

16. UNION PICNIC DAY (UPD)

In accordance the LG (State) Award 2017 (Clause 20B), financial members of the Union(s) are entitled to take a Union Picnic Day as a public holiday at their ordinary rate of pay.

17. PARENTAL AND PAID PARENTAL LEAVE

Leave is provided in accordance with the LG (State) Award 2017 (Clauses 21F, G, H, I), the Fair Work Act 2009 and the Paid Parental Leave Act 2010.

18. UNION RELATED LEAVE

The Council provides union leave in accordance with the LG (State) Award 2017 (Clause 21K(ii), (iii)) and, where relevant, the Electricians Award.

19. LEAVE WITHOUT PAY (LWOP)

Employees are able to apply for Leave Without Pay in accordance with LG (State) Award 2017 (Clause 21M) if they have exhausted all other leave balances.

20. EMERGENCY SERVICE LEAVE

Council grants Emergency Services Leave in accordance the LG (State) Award 2017 (Clause 21C)

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, receive approval from the General Manager and 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.

Applications to attend religious ceremonies and events must be in writing and received with reasonable notice in advance of the leave being taken.

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 a Leave Application Form in a reasonable time prior to taking leave. The exception to this is sick 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 your application on its merits and in relation to operational demands. Should your leave not be approved, you 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	Ordinary Meeting 15 August 2017 Report Item 13.08, Minute 16 150817
Next Revision Date	August 2019
Issue Date to Staff	August 2017