

## 3.11 STAFF APPOINTMENTS AND LEAVE

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<b>Policy Responsibility</b>	Administration		

### Document History

Version	Date Amended	Details Comments e.g. Resolution Number
		HR Manual Adopted by Council 05/08/03
		Amendment adopted by Council 21/10/03
		Amendment adopted by Council 16/12/08
		Resolution of Council 05/01/02 Employees are not to accumulate more than two years entitlement of annual leave.
	21/11/2018	Amendment Adopted by Council 21/11/18
	19/12/2018	Amendment Adopted by Council 19/12/18

### OBJECTIVE

The Council will comply with all minimum leave standards of the Local Government Industry Award 2010 (LGIA 2010) and the National Employment Standards (NES). The Council takes seriously its obligation to ensure that all employees are able to take leave as required throughout the year. The Council will try at all times to meet any reasonable requests for leave, you should however remember that you are working as part of a team, consideration for your co-workers and any existing responsibilities is essential.

To determine a delegate when the Chief Executive Officer is on annual or other leave.

### POLICY STATEMENT

#### 1. LEAVE ENTITLEMENTS

Prior to the commencement of any leave employees must submit a leave application form and obtain written approval from their supervisor or manager. The only exception to this rule is in the event of illness, sickness or special circumstances. On immediate return from such leave employees must complete a leave application form and submit it to their supervisor or manager for approval.

##### 1.1 Annual Leave

If you are employed on a full time basis you will be entitled to four weeks (20 days) annual leave or as specified in your employment contract.

- Annual leave may be accrued for a period not exceeding two year's entitlement. Payment of leave is based on the normal pay rate as agreed in your letter of employment or contract plus leave loading of 17.5%.
- You must fill out an application for leave form if you are requesting time off. This form must be signed and approved by your supervisor and lodged with the pay officer no less than 14 days before the requested leave date.

## **1.2 Personal/carer's leave**

The term "personal/carer's leave" covers both sick leave and carer's leave. Annual entitlement for full time staff is 10 days on full pay.

- If you are unable to work due to illness or injury (sick leave) or you need to provide care or support to a member of your immediate family or household because of personal injury or unexpected emergency affecting the member (carer's leave) it is important that you telephone your supervisor within one hour of your normal commencement time, advising of the reason for leave and the day you believe you will return to work.
- Full time and casual staff are entitled to 2 days unpaid carer's leave for each occasion.
- On return to work you will be required to complete a leave form and give it to the pay officer to ensure you are paid any personal leave to which that you are entitled.
- All employees will be required to present a doctor's certificate, stating the nature of the illness, for periods of more than two days or following public holidays.

## **1.3 Long service leave**

Council applies the principle of 13 weeks leave after 10 years of continuous service with the Council (this does not include any absence for Maternity/Adoption leave).

Whilst long service leave accruals will be appropriated in the budget and shown on pay slips, the entitlement is not paid on a pro rata basis. Long service leave can be taken in a continuous period of up to 13 weeks or broken down into no fewer than 3 separate periods. The timing of your long service leave will be negotiable with your supervisor; however, 28 days notice is preferred.

## **1.4 Parental leave**

Employees including casuals are entitled to up to 52 weeks unpaid parental leave (maternity or adoption leave) after completing 12 months continuous service or in the case of a casual employee have been employed on a regular and systematic basis for a sequence of periods over at least 12 months.

- It is requested that any employee wishing to take parental leave inform their supervisor not less than 12 weeks prior to the birth or adoption of the baby as soon as practicable.

- After parental leave has been taken, the employee will be able to return to their former position. If, however, for some reason, this position no longer exists, the employee will be given a position as close to their previous position as possible. The Council may replace the employee on parental leave whilst absent.

- Any intentions of return should be sent at least 28 days prior to re-commencement.

## 1.5 Compassionate leave

All employees are entitled to 2 days compassionate leave to spend time with a member of their immediate family or household who has sustained a life threatening illness or injury. Compassionate leave may also be taken after the death of a member of the employee's immediate family or household. All staff other than casuals will be paid at the employee's base rate for the period of leave.

## 1.6 Jury and witness duty

If it is necessary for you to attend for jury duty you will be required to supply documentation to your supervisor. The Council will pay the difference between any monies you receive for jury service and your ordinary salary. There will be no compensation where jury duty occurs over a weekend or any other such day where you are not normally paid.

## 1.7 Leave to deal with Family and Domestic Violence

This leave applies to all employees, including casuals. An employee is entitled to 5 days' unpaid leave to deal with family and domestic violence. The leave is available in full at the start of each 12 month period of the employee's employment; and the leave does not accumulate from year to year.

An employee may take unpaid leave to deal with family and domestic violence if the employee: is experiencing family and domestic violence; and needs to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside their ordinary hours of work.

- **family and domestic violence** means violent, threatening or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

- **family member** means:

(i) a spouse (or former), de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or

(ii) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or

(iii) a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

- A period of leave to deal with family and domestic violence may be less than a day by agreement between the employee and the employer.
- The employer and employee may agree that the employee may take more than 5 days' unpaid leave to deal with family and domestic violence.
- The reasons for which an employee may take leave include making arrangements for their safety or the safety of a family member (including relocation), attending urgent court hearings, or accessing police services.
- The time an employee is on unpaid leave to deal with family and domestic violence does not count as service but does not break the employee's continuity of service.

### **Notice**

An employee must give their employer notice of the taking of leave by the employee under clause 30 of the LGIA. The notice:

(i) must be given to the employer as soon as practicable (which may be a time after the leave has started); and

(ii) must advise the employer of the period, or expected period, of the leave.

### **Evidence**

An employee who has given their employer notice of the taking of leave under clause 30 of the LGIA must, if required by the employer, give the employer evidence that would satisfy a reasonable person that the leave is taken for the purpose of Family and Domestic Violence.

- Depending on the circumstances such evidence may include a document issued by the police service, a court or a family violence support service, or a statutory declaration.

- Employers must take steps to ensure information concerning any notice an employee has given, or evidence an employee has provided is treated confidentially, as far as it is reasonably practicable to do so.

- Nothing in clause 30 of the LGIA prevents an employer from disclosing information provided by an employee if the disclosure is required by an Australian law or is necessary to protect the life, health or safety of the employee or another person.

- Information concerning an employee's experience of family and domestic violence is sensitive and if mishandled can have adverse consequences for the employee. Employers should consult with such employees regarding the handling of this information.

## **2. CEO LEAVE AND APPOINTMENT**

### **2.1 Senior Officers**

The Councils senior officers are the Chief Executive Officer, Operations Manager, Senior Administration Officer and the Accounts Officer / Senior Finance Officer.

## **2.2 Acting Chief Executive Officer**

Where the Chief Executive Officer is on leave or otherwise absent from the area for more than three consecutive days, without access to email or phone contact, a senior officer shall be appointed by the Chief Executive Officer to act in the position in his/her absence. In accordance with the LGIA if the CEO is absent or unavailable to carry out official duties:

- (a) the Deputy CEO, if there is a Deputy who is available to act, acts as CEO; and
- (b) if there is no Deputy CEO, or the Deputy is absent or unavailable to act, a person nominated by the CEO to act in that situation acts as CEO.

## **2.3 Notifying Council**

The CEO shall notify the President of the council of a nomination made by the CEO under subsection (2)(b) of the LGIA.

Leave by the CEO is to be taken at a time, or during periods that are approved by the president.