

HR011 – Leave Policy

1. POLICY CERTIFICATION

Policy title:	Leave Policy
Policy number:	011
Category:	Policy
Classification:	HR
Status:	Approved

2. PURPOSE

Roper Gulf Regional Council (RGRC) requires all employees to abide by the leave policy and procedures when taking any leave entitlements. Any employee that breaches this policy may have disciplinary action taken against them.

3. ORGANISATIONAL SCOPE

This policy applies to all RGRC employees.

4. POLICY STATEMENT

RGRC will comply with all minimum leave standards of the Local Government Industry Award 2010 (LGIA 2010) and the National Employment Standards (NES). RGRC takes seriously its obligation to make sure that all employees take the required leave requirements throughout the year.

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.

5. DEFINITIONS

Award	<i>Local Government Industry Award 2010</i>
Cashed out	Means employees get payment instead of taking the time off work
Child	<p>A child of a person is:</p> <ul style="list-style-type: none"> • A biological child of the person; or • An adopted child or step-child of the person; or • If, at any time, the person was in a relationship as a couple with another person (whether the persons are the same sex or different sexes) – a child who is a product of the person's relationship with that other person. <p>It does not matter whether the child is an adult.</p>

HR011 – Leave Policy

	For the purposes of the above, a child cannot be the product of a relationship between two persons (whether the persons are the same sex or different sexes) for the purposes of this Part unless the child is the biological child of at least one of the persons or has been legally adopted.
Cultural Business	The Ceremonial rituals relating to burials; coming of age and discipline. Some cultural business such as funerals is referred to as 'sorry business'.
De facto partner	A de facto partner in relation to an employee: <ul style="list-style-type: none"> • Means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or different sexes); and • Includes a former de facto partner of the employee.
Immediate Family	The following are members of an employee's immediate family: <ul style="list-style-type: none"> • A spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; • A child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee.
Medical certificate	Means a certificate signed by a medical practitioner.
Medical practitioner	Means a person registered, or licensed, as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners.
NES	The National Employment Standards
Other definitions	For a full list of definitions refer to The National Employment Standards.
RGRC	Roper Gulf Regional Council
The Act	The <i>Fair Work Act 2009</i>

6. PRINCIPLES

6.1 Annual Leave

This section applies to all employees other than casual employees.

All full time employees of RGRC, for each year of service with RGRC are entitled to six (6) weeks paid annual leave. This will be a pro-rata basis for part time employees.

An employee's entitlement to paid annual leave accrues progressively during a year of service according to ordinary hours of work. Employees will be paid their minimum weekly rate of pay during periods of annual leave and an annual leave loading of 17.5%.

HR011 – Leave Policy

Annual leave shall be taken at such a time mutually convenient to RGRC and the Employee. Paid annual leave may be taken for a period agreed between an employee and his or her supervisor. Supervisors and managers cannot unreasonably refuse to agree to a request by the employee to take paid annual leave.

Leave forms must be lodged at least two weeks prior to the period of leave. Employees are encouraged to provide as much notice as possible to enable supervisors and managers to manage workloads and deadlines.

When approving leave supervisors and managers must consider the operational requirements and resourcing of RGRC prior to approval.

If a period of paid annual leave includes a part or full day public holiday in the place where the employee is based then the employee is taken to not be on paid annual leave on that public holiday.

Employees may be required to take annual leave with four (4) weeks notice if their accrued balance exceeds eight (8) weeks.

Any unused accrued annual leave will be paid to an employee on termination of their employment.

Leave Loading

A loading of 17.5% of an employees ordinary rate of pay shall be payable during the period of leave to the employee when taking annual leave.

Leave Paid at Commencement of Leave Period

An employee may choose to be paid annual leave at the commencement of their approved period of annual leave rather than be paid annual leave fortnightly during the period of the approved annual leave.

If an employee wants to be paid annual leave at the start of their leave this needs to be specified on their leave form for approval.

The employee must have the full annual leave entitlement to have the annual leave component paid in advance otherwise this will not be paid.

6.2 Personal / Carer's Leave

This section applies to all employees other than casual employees.

Full time employees are entitled to ten (10) days paid personal / carer's leave for each year of service. Part time employees will accrue paid personal / carer's leave on a pro rata basis. This entitlement accrues progressively during a year of service according to the employee's ordinary hours of work and accumulates from year to year.

An employee may take paid personal / carer's leave if the leave is taken:

HR011 – Leave Policy

- Because the employee is not fit for work because of a personal illness or personal injury, affecting the employee; or
- to provide care or support to a member of the employee's immediate family or a member of the employee's household who requires care or support (carer's leave) because of:
 - personal illness or personal injury affecting the member,
 - an unexpected emergency affecting the member

An employee must, if able to do so, notify their direct manager or supervisor as soon as possible and or within thirty (30) minutes of their duty or work starting time.

Employees must take all possible steps to provide reasonably practicable notice, in the event of an emergency this may be after the leave has started.

Notification of absence must be directly to the employee's supervisor or manager. Notification of non-attendance be via verbally, text message or email.

At the time of notification the employee must advise their supervisor or manager of the period or expected period of leave.

An employer can request evidence about the reason for personal/carer's leave. The request for evidence has to be reasonable. If the employee doesn't provide the requested notice or evidence they may not get compassionate leave.

Personal/carer's leave will be paid at the employees' base rate of pay for ordinary hours of work in the period.

Documentation Requirements

An employer may request evidence that would satisfy a reasonable person of an employee's entitlement to the leave. This may be in the form of a medical certificate or statutory declaration.

The Employee must provide a medical certificate and/or a statutory declaration if they:

- take two or more consecutive days of personal/carer's leave; or
- take one or more days of personal/carer's leave on either side of a public holiday or a period of annual leave; or
- take five or more days in a six month period; or
- take personal/carer's leave on any day, at the discretion and direction of the Council.

Medical appointments and elective surgeries that are pre-arranged can only be covered by sick leave if an employee is not able to work because of a personal illness and/or injury. It will depend on each individual circumstance.

HR011 – Leave Policy

An employer can ask for evidence from an employee to confirm that they were unfit for work. This can help decide if an employee should be paid sick leave or be paid a different type of leave or entitlement.

6.3 Unpaid Carer's Leave

Employees are entitled to two (2) days of unpaid carer's leave for each permissible occasion when a member of the employee's immediate family or a member of the employee's household, requires care or support because of:

- A personal illness, or injury, affecting the member; or
- An unexpected emergency affecting the member.

Taking Unpaid Carer's Leave

An employee may take unpaid carer's leave for a particular permissible occasion if the leave is taken to provide care or support as stated under Unpaid Carer's Leave.

An employee cannot take unpaid carer's leave during a particular period if the employee could instead take paid carer's leave. All paid carer's leave must be utilised by the employee before taking unpaid carer's leave.

An employee may take unpaid carer's leave for a particular permissible occasion as;

- A single continuous period of up to 2 days; or
- Any separate periods to which the employee and his or her employer agree.

6.4 Compassionate Leave

All employees (including casual employees) are entitled to five (5) days of compassionate leave for each permissible occasion when a member of the employee's immediate family:

- Contracts or develops a personal illness that poses a serious threat to his or her life; or
- Sustains a personal injury that poses a serious threat to his or her life; or
- Passes away.

In the event of a death the employee may be required to provide one of the following as evidence;

- a copy of the funeral notice; or
- a letter from the funeral service; or
- a copy of the death certificate; or.
- A statutory declaration.

In the event of a serious illness or injury evidence to be provided can be either a letter or note from an appropriately qualified medical practitioner. An employee may in exceptional circumstances, in consultation with their Manager provide an alternative form of evidence.

HR011 – Leave Policy

Taking Compassionate Leave

An employee may take the five (5) days compassionate leave for each permissible occasion if the leave is taken:

- For the purpose of spending time with the member of the employee's immediate family or household who has contracted or developed the personal illness or sustained the personal injury referred to above in Compassionate Leave.
- After the death of the member of the employee's immediate family or household referred to above in Compassionate Leave.

An employee may take compassionate leave for each permissible occasion as:

- A single continuous period of 5 days; or
- Any separate periods to which the employee and his or her employer agree.

An employer can request evidence about the reason for compassionate leave (as per dot points above). The request for evidence has to be reasonable. If the employee doesn't provide the requested notice or evidence they may not get compassionate leave.

An employee will be paid at their base rate of pay for their ordinary hours of work for the period.

6.5 Community Service Leave

All employees (including casual employees) can take community service leave for certain activities such as:

- Voluntary emergency management activities;
- Jury duty (including attendance for jury selection).

Voluntary emergency management activity

An employee engages in a voluntary emergency management activity it:

- The activity involves dealing with an emergency or natural disaster;
- The employee engages in the activity on a voluntary basis;
- The employee was either requested to engage in an activity, or it would be reasonable to expect that such a request would have been made if circumstances had permitted;
- The employee is a member of, or has a member-like association with a recognised emergency management body.

Employees must give notice of their absence prior to taking community service leave to their supervisor or manager. All community service leave must be approved prior to taking the leave by the CEO through the HR department.

If the leave is for the purpose of engaging in emergency service activities and the matter is urgent the employee may provide notice to any Regional manager or supervisor. If it is not practicable to provide notice prior to the leave, the employee

HR011 – Leave Policy

must give notice as soon as possible after commencing the leave. Notice must include the period or expected period of absence from the workplace. It is noted employees engaged in emergency service activities may not be able to provide a definitive period of absence; they should however attempt to provide an indicative period.

Employees taking leave for the purposes of jury duty must provide the evidence documents provided by the courts.

With the exception of jury duty, community services leave is unpaid. Refer to the NES for payment of jury duty.

6.6 Defence Reserve Leave

Australia's Defence Reserves are an essential component of the Navy, Army and Air Force. Reservists may be required to be deployed on operations overseas or in Australia.

As well as workplace rights and entitlements under the *Fair Work Act 2009*, reservists have additional workplace protections under the *Defence Reserve Service (Protection) Act 2001*.

Employers are required by law to release employee reservists to undertake all types of Defence service, and to continue to employ them on their return. This includes training.

Reservists should, as a matter of good practice, always try to give their employer as much notice as possible of the dates they will be absent from work on Defence service.

There is no legal obligation for employers to pay employees while they are absent on Defence service, including training. Employees cannot be required to take their annual leave or long service leave for absences on Defence service, but may voluntarily elect to do so by mutual agreement with their employer.

6.7 Long Service Leave

Long service leave will be in accordance with the Long Service Leave Act of the Northern Territory as amended from time to time, with the exception that Employees will qualify for all pro rata long service entitlements after seven years continuous qualifying service, according to the Act.

Employees will be automatically paid all pro rata long service leave entitlements, upon leaving the Employer, after seven years continuous qualifying service, according to the Act.

Long Service Leave will be taken at a mutually agreed time.

HR011 – Leave Policy

Long service leave matures when you have completed 10 years continuous service with your employer. Further entitlement to long service leave matures after completing each subsequent 5 years of continuous service with that employer. On maturity of your long service leave you will be entitled to 1.3 weeks long service leave for each completed year of service.

Prior long service leave entitlements from other local government organisations may be transferred over within the first three month period from commencement with Roper Gulf Regional Council. To transfer long service leave from one entity to another both organisations must agree and approve to pay this entitlement for the employee and accept it on behalf of the employee. Please refer to the Long Service Leave Act and the Local Government Act for further clarification.

Periods of unpaid leave will not be counted towards the accrual of Long Service Leave.

Long service leave can not be “cashed out” as per the Long Service Leave Act Section 10 (4).

6.8 Parental Leave

A permanent employee is entitled to parental leave upon completion of at least 12 months of continuous service with RGRC immediately before:

- The date or expected date of birth if the employee is pregnant;
- Before the adoption; or
- When the leave starts (if the leave is taken after another person cares for the child or takes parental leave).

Parental leave is available to all full and part-time (pro-rata) employees who have been employed for a period of 12 months or more immediately preceding the commencement of the leave as stated above.

Employees who meet the requirements of parental leave may be entitled to the following leave amounts below;

- **6 weeks** paid parental leave available to the primary care giver.
- **2 weeks** paid parental leave is available to an employee that is the spouse/partner of the primary care giver. An employee taking parental leave can also request an additional 6 weeks unpaid leave
- **12 months** unpaid parental leave if the leave is associated with the birth of a child, being a child who is born to the employee or their spouse or de facto or the placement of a child with the employee for adoption and the employee will have a responsibility for the care of the child. 12 months of unpaid leave will be served concurrently with any paid leave provided by RGRC.

Leave entitlements do not accrue during the period of unpaid Parental Leave. The Employee may take any other forms of paid leave to which they are entitled, such as

HR011 – Leave Policy

annual or long service leave during the course of the 12 months of unpaid parental leave.

An employee who is pregnant must commence parental leave no earlier than six weeks before the expected date of birth and no later than the expected date of birth unless by agreement between employee and employer.

If a pregnant employee continues to work during the period of six weeks before the expected date of birth of the child the employer may ask for a medical certificate stating the employee is fit to work. The medical certificate should contain the following statements:

- A statement of whether the employee is fit to work
- If the employee is fit for work – a statement of whether it is inadvisable for the employee to continue in their current position during the stated period because of:
 - Illness, or risks, arising out of the employees pregnancy; or
 - Hazards connected with the position

For further information on the relevant action in this circumstance refer to the NES.

Parental leave for the adoption of a child must start on the day of placement of the child.

In the case of employee couples, parental leave can be taken concurrently by employees as parents of the child.

Notice of parental leave must be provided in writing and no later than **10 weeks** before the commencement of the leave or as soon as practicable. The notice must provide the intended start and end dates of the leave.

Employees applying for parental leave for the purposes of giving birth to a child need to provide a medical certificate confirming pregnancy. Employees applying for parental leave for the adoption of a child must provide written evidence of the expected date of placement of the child.

For further full entitlement detail and information refer to the NES.

6.9 Cultural Business Leave

Cultural Business Leave may be granted after a Community Elder notifies the Regional Services Manager, Director or CEO of the cultural business event with 24 hours' notice. A level of service delivery needs to be determined depending on the application and staff may access this leave via 1 of 3 options:

1. Compassionate leave;
2. Annual leave and;
3. Leave without pay.

Refer to the RGRC ADM004 Cultural Business Policy for further information.

6.10 Leave Without Pay

Leave without pay is not an employee entitlement.

Employees may make application for leave without pay in circumstances where they have exhausted all other leave entitlements. Employees must disclose the purpose and timeframe when requesting leave without pay. Leave without pay will not be granted for periods in excess of six months. Leave without pay will not be granted for the purpose of taking up other paid employment.

Leave without pay may be granted for:

- The purpose of extending a holiday/travel,
- To settle personal matters where an extended period of leave is needed,
- To undertake a study program

Approval of leave without pay is at the discretion of the Chief Executive Officer or their delegate through the HR Department in exceptional circumstances.

Leave without pay will not be approved if it is not in the best interests of RGRC and conflicts with operational requirements.

6.11 Study Leave

RGRC supports the professional development of its employees in a manner which is beneficial to both the employee and the organisation.

Paid leave may be granted to employees to attend external studies and shall include travelling time but only if that travel occurs during normal hours in which the employee would normally have been required to work.

Paid time off for the purpose of study will be negotiated between the employee and the Department Manager. This paid time will not exceed five hours per week and will include travelling time. The greater or equivalent period of time spent studying must be conducted in the employees own time.

Operation requirements and a requirement not to disadvantage RGRC service delivery will be taken into consideration prior to the approval of study leave.

The CEO, or their delegate, may retract preapproved study leave under extreme operational requirements.

Staff who participate in authorised external studies may be offered a reasonable amount of time during working hours for the purpose of study.

HR011 – Leave Policy

The amount of time offered will depend on the nature and length of the course, and may vary depending on operational requirements.

Refer to Study Leave Policy HR007.

7. Cashing out of Annual Leave

An employee may cash out up to two weeks of their annual leave each financial year, but the employee must have a remaining balance of four weeks or more of annual leave in their entitlements. In an exceptional circumstance an employee who needs to cash out leave when they do not have four weeks annual leave credits remaining, may request CEO approval via the HR department.

8. Time Off in Lieu (TOIL)

- An employee may, with the consent of their direct Supervisor/Manager, take time off in lieu of extra hours worked over 38 hours per week.
- The TOIL hours accrued must be ordinary time hours and must be taken at the ordinary time rate that is an hour off for each hour worked in addition to 38 hours per week worked.
- You must ensure you are authorised to perform hours in excess of 38 hours per week by your manager or supervisor prior to completing. This approval must be documented in writing on a HR023 Overtime Request Form. Please keep track of your overtime and discuss with your immediate supervisor or manager as to when TOIL will be granted. TOIL hours must be taken at a mutually convenient time and within four weeks of being accrued; otherwise the accrued TOIL will be lost.

9. PUBLIC HOLIDAYS

Roper Gulf Regional Council close their offices for the following public holidays where employees are not required to work;

New Year's Day
Australia Day
Good Friday
Easter Saturday
Easter Monday
Anzac Day
May Day
Queen's Birthday
Christmas Day
Boxing Day
Katherine Show Day – all employees except for Borroloola staff
Borroloola Show Day – Borroloola employees only

HR011 – Leave Policy

For full information and entitlements refer to The National Employment Standards, *Fair Work Act 2009*, *Local Government Industry Award 2010* and the *Local Government Act*.

10. REFERENCES

Acknowledgements (original author/source documents)	Human Resource Unit
Related Policies	<ul style="list-style-type: none"> • ADM004 - Cultural Business Policy • HR007 - Study Leave Policy • HR014 – Employee Training and Development Policy
Related Publications	<ul style="list-style-type: none"> • <i>Long Service Leave Act of the Northern Territory</i> • <i>Local Government Industry Award 2010</i> • the National Employment Standards • <i>Fair Work Act 2009</i> (Cth) • <i>Defence Reserve Service (Protection) Act 2001</i> (Cth)
Relevant Forms	<ul style="list-style-type: none"> • HR005 - Leave Form • HR023 - Overtime Request Form

11. DOCUMENT CONTROL

Policy number	011
Policy Owner	HR
Infoxpert ID	
Endorsed by	OCM
Date approved	10 October 2013
Revisions	2
Amendments	16 December 2015, 24 March 2016, November 2016 – Policy Statement; Definitions, 6 Principles , 7 & 8 TOIL
Next revision due	November 2018

12. CONTACT PERSON

Contact person
Contact number

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