

Bayside Council

Serving Our Community

Leave Policy & Procedure

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Leave Policy & Procedure

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Τηλεφωνικές Υπηρεσίες Διερμηνέων

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1 Introduction

1.1 Background

Bayside Council supports all leave types provided in this policy and promotes the positive contribution using leave has on the health and well-being of people. This policy is intended to facilitate a healthy work/ life balance, which in turn, increases workforce productivity and innovation and decreases absenteeism.

1.2 Definitions

For definitions of key terms within this policy, employees should refer to the Local Government (State) Award. This can be found on Council's intranet.

1.3 Policy statement

This policy provides an avenue for employees seeking information about their leave entitlements, and outlines the rules under which leave is to be accrued, accessed and finalised on resignation/ termination.

1.4 Scope of policy

This policy applies to all permanent and fixed term staff excluding those employees covered by the Airport Business Unit Council Agreement.

Casual employees are paid a 25% loading, calculated on the ordinary hourly rate, in lieu of all leave (including but not limited to annual leave, long service leave and sick leave) and severance pay, except for paid parental leave prescribed by the Award.

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, agreement or contract that applies to an employee.

Any leave types not explicitly covered by this policy are to be referred to the Local Government (State) Award ('the Award') for policy implementation.

Where leave provided by Council exceeds the leave provisions offered under the current Local Government (State) Award, any increases to the Award leave provisions will be met through the increased Council provisions and will not affect the overall amount of leave offered combined.

This Leave Policy & Procedure replaces all other Leave Policies of both former Councils (whether written or not).

2 Leave Provisions

2.1 Annual Leave

2.1.1 Annual Leave Entitlement

Council provides Annual Leave in accordance with the Award. For each year of service an employee is entitled to:

- a) Four (4) weeks paid annual leave
- b) Five (5) weeks paid annual leave if the employee is regularly required to work a seven day rotating roster system.

Annual leave will not be debited for public holidays observed on working days that fall during an employee's period of leave.

2.1.2 Requesting and Taking Annual Leave

Annual leave is to be taken as soon as is mutually convenient to the employee and Council, for a period agreed between the employee and Council. Council reserves the right to reject a leave application due to, but not limited to:

- a) Causing a negative impact on the operational needs of the Business Unit or Directorate.
- b) Other employees within the Team/ Business Unit have been approved for leave, and further concurrent leave will result in poor customer service or an inability to meet the operational needs of Council.
- c) The employee working on time sensitive or critical projects / tasks.

When a leave application is rejected, the Approving Officer and employee will meet to discuss when the next mutually convenient time to take leave will occur.

Applications for Annual Leave must be made with a reasonable period of notice prior to the proposed first Annual leave day. It is expected that the more leave being requested, the more notice an employee is to provide. The minimum notice period for annual leave shall be two (2) weeks.

Annual leave is to be approved in accordance with the below table:

Approving Officer	Length of Leave
Immediate Supervisor	Up to a period of 1 month.
Manager	Up to a period of 2 months.
Director	Any leave requests over 2 months.

Council may direct employees with an accumulated annual leave balance in excess of eight (8) weeks, to take annual leave by providing at least four (4) weeks' notice. Such direction will be in writing from the Director/ Business Unit Manager.

Annual leave taken will be paid at the employee's ordinary rate of pay immediately before the leave is taken. Where an employee receives a varying rate of pay for 6 months or more in the twelve (12) month period immediately preceding the annual leave, the employee's ordinary rate of pay shall be deemed to be the average weekly rate of pay earned during the period actually worked over the twelve (12) months immediately preceding the annual leave or payment on termination.

2.1.3 Untaken Annual Leave

Any untaken annual leave will be paid out on termination of employment at the employee's ordinary rate of pay.

Note: As legislated by Section 3 (5) of the Annual holidays Act 1944, Annual leave cannot be paid out to cash in lieu of taking such leave.

2.1 Long Service Leave

2.1.1 Long Service Leave Entitlement

Council provides Long Service Leave in accordance with the rates stipulated in the Award:

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
Every completed period of 5 years' service thereafter	11 weeks

2.1.2 Requesting & Taking Long Service Leave

Long Service Leave is available to Council employees at the following rates:

- a) Full pay (ordinary rates); or
- b) Half pay; or
- c) Double pay.

Long Service Leave is to be taken as soon as is mutually convenient to the employee and Council, for a period agreed between the employee and Council. Council reserves the right to reject a leave application due to, but not limited to:

- a) Causing a negative impact on the operational needs of the Business Unit or Directorate.
- b) Other employees within the Team/ Business Unit have been approved for leave, and further concurrent leave will result in poor customer service or an inability to meet the operational needs of Council.
- c) The employee working on time sensitive or critical projects / tasks.

When a leave application is rejected, the Approving Officer and employee will meet to discuss when the next mutually convenient time to take leave will occur.

Long Service Leave is to be requested and approved in line with Annual Leave (Section 2.1.2).

Council may direct employees 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 provided.

Former Rockdale City Council employees with a Long Service Leave entitlement balance as at 1 January 2014 have their Long Service Leave balance preserved as at 1 January 2014, and will not be required by Council to utilise the preserved leave.

2.1.3 Cashing Out Long Service Leave

Council provides for the cashing out (either paid to the employee, or the employee's superannuation fund) of Long Service Leave (LSL) where an employee's balance is in excess of the Long Service Leave they would have accumulated if covered by the Long Service Leave Act 1955. The amount of leave able to be cashed out is shown below under "Excess LSL (Cash Out)":

Service Anniversary	LG Award Entitlement	NSW LSL Act Entitlement	Excess LSL (Cash Out)
5 Years	6.5 weeks	4.335 weeks	2.165 weeks
10 Years	13 weeks	8.67 weeks	4.33 weeks
15 Years	19.5 weeks	13.005 weeks	6.495 weeks
20 Years	30.5 weeks	17.34 weeks	13.16 weeks
25 Years	41.5 weeks	21.675 weeks	19.825 weeks
30 Years	52.5 weeks	26.01 weeks	26.49 weeks

Forms for cashing out LSL are available from Payroll. Employees are encouraged to seek advice from their financial advisor or superannuation fund prior to cashing out any LSL.

2.1.4 Continuity of Service

Continuous service with another council within New South Wales will count as service with Council for the purpose of an employee's entitlement to Long Service Leave, provided that:

- a) The period between cessation of service with one council and the appointment to service with Council does not exceed 3 months; and
- b) Such period is covered by accrued annual and long service leave standing to the credit of the employee at the time of the transfer (paid leave); and
- c) The employee does not engage in work of any kind during the period of paid leave between the cessation of service with one council and the appointment of service with Council.

2.1.5 Transfer of Long Service Leave between NSW Councils

Council provides for an employee of another NSW Council to transfer up to five (5) years' worth of Long Service Leave when accepting employment at Council. The transfer of Long Service Leave will apply to the five (5) years accrued immediately prior to the transfer.

On termination, if an employee is transferring from Council to another Council in NSW, Council will provide the option to pay the entirety of the accrued Long Service Leave to the new Council if the new Council is willing to accept. In the case the new Council is not willing, Council will make payment for up to five (5) years Long Service Leave accrued immediately prior to the transfer in accordance with the Award.

2.1.6 Untaken Long Service Leave

Any untaken Long Service Leave entitlement will be paid out on termination of employment (for any reason) at the employee's ordinary rate of pay.

2.2 Sick Leave

Council provides all permanent employees fifteen (15) days of sick leave for each year of service at the ordinary rate of pay. Permanent part-time employees will be entitled to sick leave on a pro-rata basis.

E.g. An employee working 3 days per week (0.6 FTE) will receive 60% of the 15 day entitlement which equates to 9 days per year).

Where a person is employed on a fixed-term basis of less than 12-months duration, the employee will be entitled to five (5) days sick leave on commencement. Employees are entitled to a further five (5) days sick leave after each four (4) months of continuous service.

Sick leave is paid by Council at the employee's ordinary rate of pay in accordance with the Local Government (State) Award. At Council's discretion sick leave at half pay and sick leave without pay may be provided in instances where all sick leave entitlements have been exhausted. Council may also grant additional paid sick leave to an employee with five (5) or more years' of continuous service.

2.2.1 Taking Sick Leave

When an employee utilises Sick Leave Council expects:

- a) An employee to notify Council whenever practicable of their inability to attend for duty, prior to taking sick leave.
- b) The employee should inform Council of the type of absence, the estimated duration and, as far as practicable, details of the reasons for the absence.
- c) The employee shall notify Council by phoning their Coordinator or Manager and if unsuccessful in making direct contact, leave a suitable message. This should occur prior to shift commencement.

Notification sent by mobile phone text messages, email or by other electronic means, such as social media, are not acceptable forms of notification.

In each year of service, an employee is entitled to an initial 3 separate occasions of no more than 2 days each whereby they are not required to produce proof of illness or injury. This is unless:

- a) Council requires proof of illness or injury due to the employees sick leave pattern or the amount of sick leave taken; and
- b) Written notice has been provided to the employee by Council of the requirement to provide proof of illness or injury.

Sick leave provisions do not apply to circumstances where employees are unable to attend for duty as a result of attending pre-arranged appointments unrelated to an illness or injury. Other leave types such as Time in Lieu, Flex Time, Make Up Time (by agreement), Rostered Days Off, Annual Leave and Health and Well Being Leave may be applied for to attend such appointments.

Council may require an employee to stay away from the workplace on sick leave in such situations where the employee has been exposed or suspected to be exposed to a contagious illness (E.g. whooping cough, measles) to protect the broader workplace. This may occur even if the employee is not displaying any symptoms. In such instances and where relevant Council will follow the advice and guidelines of the NSW Health Department in relation to pandemics. Such leave will be debited from the employee's sick leave balance.

2.2.2 Providing Proof of Illness

Proof of illness or injury shall indicate an employee's inability to undertake their normal duties and shall be acquired from:

- a) A registered medical/ health practitioner registered with the appropriate government body; or
- b) A statutory declaration (witnessed by an appropriate officer) setting out the reasons for taking sick leave.

The type of proof of injury or illness required must be reasonable having regard to the circumstances of the Council and the employee. A statutory declaration should set out the reasons for leave and also why the employee is unable to provide a medical certificate.

Any fraudulent, misleading or purposely untrue statutory declaration signed by an employee and presented as proof of illness under the terms of this policy will be treated as serious misconduct and may result in termination of employment.

Council may require an employee to attend a doctor nominated by Council at Council's cost to ensure fitness for work.

2.2.3 Transfer of Sick Leave between NSW Councils

The Local Government (State) Award provides an employee of a NSW Council to transfer up to 13 weeks of sick leave to another NSW Council. Such accumulated sick leave shall only be transferrable if the period of cessation of service with the original NSW Council to the new NSW Council does not exceed three (3) months.

2.2.4 Payment of Sick Leave on Cessation of Employment

Unclaimed sick leave accrued before and until 15 February 1993 shall be paid out on termination of service for any cause other than misconduct.

Employees who were engaged by Council after 15 February 1993 will **not** be paid out any sick leave entitlements on termination of employment.

2.2.5 Returning to Work

Where necessary to ensure the employee is fit and healthy to return to work, Council may require the employee to attend an independent medical examiner of Council's direction and at Council's cost.

2.2.6 Absenteeism in the Workplace

For the purposes of managing absenteeism, Council may monitor patterned behaviour. For example, repeatedly using sick leave before or after a rostered day off, weekend/ public holiday, or before or after a period of planned leave. Where a pattern is identified by Council a medical certificate may be required by an employee to support of the employee's request for sick leave. Council may also determine in this circumstance that a statutory declaration is not acceptable for future sick leave.

Council may also review employee attendance records, to determine those employees whose attendance record is approaching an unacceptable level.

Employees will be advised by their immediate supervisor when their attendance record is approaching an unacceptable level. Where an employee's attendance record is identified in the review process as approaching unacceptable, the employee will be notified in order to demonstrate improvement in the first instance.

If the absenteeism behaviour continues to an unacceptable level, Council may develop a Performance Improvement Plan with the employee. If no further improvement is shown, Council may apply the disciplinary provisions of the Award.

2.3 Carer's Leave

An employee may use their accrued sick leave balance to provide care and support to a member of the employee's immediate family/household member (as defined by the Local Government (State) Award) who needs the employee's care or support because of a personal illness, or personal injury affecting the member, or an unexpected emergency affecting the immediate family/household member as defined by the Award.

Carers leave is not intended to facilitate long periods of ongoing care. In these circumstances, Council employees are expected to investigate appropriate care arrangements where these are reasonably available.

Unless otherwise provided, employees are not entitled to carers leave where another person has taken leave to care for the same person.

2.3.1 Requesting & Taking Carers Leave

When taking carers leave, an employee is expected to abide by the notification guidelines provided under Sick Leave (Section 2.2.1).

2.3.2 Providing Proof of Carers Leave

Council may request the following information in line with the below length of time requests:

- a) Less than two (2) weeks:
 - i. Where less than two weeks sick leave in any year of service is sought to be used for caring purposes Council requires an employee to establish either by production of a medical certificate or statutory declaration, the illness of the person concerned and that the illness is such as to require care by another person; or

- b) More than two (2) weeks:
 - i. Where more than two weeks sick leave in any year of service is sought to be used for caring purposes Council requires 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.

Once an employee has utilised more than two weeks sick leave for caring purposes, Council reserves the right to not accept a statutory declaration unless Council deems

the event to be an unexpected emergency that prevented a medical certificate to be obtained.

Additional careers leave may be approved by the employee's Business Unit Manager for a period of up to one (1) week. Additional leave, must be approved by the relevant Director.

2.3.3 Casual Employees Access to Carers Leave

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 as defined by the Award.

Upon agreement by Council, a casual employee may request and be granted further unpaid carer's leave.

2.4 Emergency Services Leave

In order to apply for Emergency Services Leave, an employee must be able to demonstrate that they will retain a minimum of three (3) weeks accumulated sick leave balance after taking the Emergency Services leave.

Emergency Services leave is provided to employees (excluding casuals) with more than twelve (12) months continuous service with Council who are bona fide voluntary members of a recognised emergency services organisation and are required to engage in a voluntary emergency management activity that involves dealing with an emergency or natural disaster within NSW.

Employees who engage in a "voluntary emergency management activity" shall be entitled to up to five (5) days paid emergency service leave per calendar year from their sick leave balance to participate in such activity.

A Recognised Emergency Services organisation is defined as one which:

- a) Attends to emergencies and/or disasters.
- b) Is by nature a fire-fighting, civil defence or rescue body.
- c) Secures the safety of persons and animals in emergencies or natural disasters.
- d) Protects property in emergencies or disasters.
- e) Otherwise responds to emergencies or natural disasters.

Emergency includes an event, actual or imminent which endangers or threatens life, property or the environment and which requires a co-ordinated response.

2.5 Health & Wellbeing Leave

Health and Wellbeing leave is planned leave approved in advance and provided from an employee's sick leave entitlement to enable employees to undertake health and well-being activities that lead to positive health outcomes.

Health & wellbeing leave may also be used for participation in social responsibility or an organised charitable fund-raising activities of an organisation the employee is involved with.

Employees are entitled to take up to two (2) days paid leave per calendar year. When taking this leave it must not result in the accumulated Sick Leave balance of less than 2 weeks, and the days must be taken separately.

Council supports a “no questions asked” policy on health and wellbeing leave. Providing an employee meets the sick leave requirements for taking health and wellbeing leave, no additional information will be sought from Council of the employee.

Employees are required to apply for Health & Wellbeing leave at least 1 week prior to the intended date of leave.

2.6 Paid Parental Leave Provisions

Under the Federal Government’s Paid Parental Leave Scheme, employees who are carers of a newly born/ adopted child may be eligible to be paid up to 18 weeks paid parental leave instalments (“PPL instalments”) at the national minimal wage.

The Local Government (State) Award also provides paid parental leave. Employees, subject to eligibility, must elect which form of paid parental leave they wish to receive. Only one form of the following leave may be applied for:

- a) Paid Maternity Leave; or
- b) Parental leave Make-Up Pay; or
- c) Paid Adoption Leave; or
- d) Concurrent Parental Leave.

2.6.1 Paid Parental Leave

To be eligible for paid parental leave, employees must be;

- a) Permanent with at least 12 months continuous service prior to the commencement of paid parental leave; or
- b) Casual, but have worked on a regular and systematic basis for at least 12 months prior to commencement of leave.

An eligible employee is entitled to:

- a) 9 weeks paid parental on full pay under the Award provision **plus** an additional 4 weeks of special paid parental leave at full pay provided by Council; or
- b) 18 weeks paid parental leave on half pay **plus** an additional 8 weeks of special paid parental leave on half pay provided by Council.

2.6.2 Paid Parental Leave Rate of Pay

Paid maternity leave is calculated according to the employee’s ordinary rate of pay based upon the ordinary hours worked by the employee prior to commencing leave.

Paid maternity leave for Casual employees or part time employees who work additional hours is calculated by averaging the employee’s weekly ordinary pay in the preceding 12 months.

2.6.3 Taking Parental Leave

Where Council agrees, an eligible employee may:

- a) Elect to take paid maternity leave before the expected birth date

- b) Take annual or long service leave or any accumulated leave in lieu in conjunction with paid maternity leave provided the total period (inclusive of all forms of leave) does not exceed 104 weeks.

Any period of paid maternity leave must not extend beyond the child's first birthday or one year after placement for adoption. Options for extending parental leave (unpaid) can be found in Section 2.6.5.

Council expects the following to occur when applying for paid/ unpaid parental leave:

- a) Ten (10) weeks before starting leave:
 - i. The employee shall give notice to their Coordinator/ Manager of their intent to take paid/ unpaid parental leave.
 - ii. This notice needs to be in writing, and state the amount of leave required, including the starting and finishing dates.
 - iii. If an employee cannot provide ten (10) weeks' notice, Council expects as much notice as reasonably possible.
- b) Four (4) weeks before starting leave:
 - i. The employee shall confirm their parental leave dates with their Coordinator/ Manager before they are due to start their leave.
 - ii. If there have been any changes to the original parental leave dates the employee must notify their Coordinator/ Manager.

Parental leave must be taken in a single continuous period (e.g. an employee cannot take leave for six (6) months, return to work, then take another 6 months leave). Employees who engage in work with Council (including casual work) during their parental leave will be considered to have broken their parental leave.

2.6.4 Parental Leave Make-Up Pay

Parental leave make-up pay is the difference between the PPL instalments paid by Centrelink and the employee's ordinary rate of pay for the preceding 12 months to taking parental leave. Where an employee worked a varying number of ordinary hours in the preceding 12 months, the employee's ordinary hours shall be deemed to be the average weekly number of ordinary hours. No additional payment is made for public holidays where the public holiday falls in the parental leave period.

To be eligible for Parental Make-Up Pay to be paid (to a maximum period of 18 weeks), employees must:

- a) Meet eligibility criteria as set by the commonwealth for PPL scheme.
- b) Be in receipt of PPL instalment payments as the primary or secondary claimant under the PPL Act
- c) Meet continuous service criteria for permanent or casual employees
- d) Have elected to take parental leave make-up pay in lieu of any other form of Council paid parental leave.

2.6.5 Extending Parental Leave (Unpaid)

Council provides for a period of unpaid Parental leave to be extended with Council agreement for a period of up to a further 12 months (maximum total of 104 weeks parental leave).

Applications for extensions need to be in writing, at least 4 weeks before the end date of original period of paid/ unpaid parental leave. Council will respond within 21 days of receiving the extension application.

2.6.6 Subsequent Applications for Parental Leave

In accordance with the Award, an employee is not entitled to a second or subsequent period of paid maternity leave or parental leave make-up pay unless they have returned to work for a period of at least three (3) months between periods of maternity/parental leave.

2.7 Unpaid Parental Leave

Council also provides unpaid parental leave if an employee has less than twelve (12) months continuous service immediately before the expected date of birth of the child/adoption of a child.

Council provides for eligible employees to take unpaid parental leave either at the birth of their child, or up to six (6) weeks prior to the expected birth date.

Any period of unpaid maternity leave must not extend beyond the child's first birthday or one year after placement for adoption. Options for extending parental leave (unpaid) can be found in Section 2.6.5.

Parental leave must be taken in a single continuous period (e.g. an employee cannot take leave for six (6) months, return to work, then take another 6 months leave).

2.8 Concurrent Parental Leave

An employee, who is not engaged on a casual basis, and is able to satisfy:

- a) The award provisions covering concurrent parental leave; and
- b) Council that they are the supporting parent

is entitled to concurrent parental leave at the time their partner gives birth or at the time of placement (if the child is adopted)

Concurrent parental leave is up to ten (10) days paid leave taken from an employee's sick leave balance. See Section 2.11 "Leave without Pay" for further Concurrent Parental Leave information.

In addition to the Local Government (State) Award provisions, Council offers staff who meet the award requirements for Concurrent Parental Leave an additional 4 weeks paid concurrent parental leave. The leave is considered special leave, not debited from any of the employee's leave balances.

Council expects employees to abide by the rules established in Section 2.6.3 Taking Parental Leave when notifying the Coordinator/ Manager of their intent to take leave.

2.9 Adoption Leave

Employees of Council, other than casuals are eligible for Adoption leave if:

- a) They have twelve (12) months continuous service immediately prior to leave and

- b) The child is under sixteen (16) at the day of placement and has not lived continuously with the employee for a period of six (6) months or more as at the day of placement.
- c) The employee has primary responsibility for the care of the adopted child.

Eligible employees, other than Casuals are entitled to request for approval up to two (2) days paid pre-adoption leave at ordinary pay.

Council expects employees to abide by the rules established in Section 2.6.3 Taking Parental Leave when notifying the Coordinator/ Manager of their intent to take leave.

An employee other than a casual who has or will have primary responsibility for the care of an adopted child is entitled to paid Adoption Leave at ordinary pay from the date the child is placed with the employee for adoption as listed below:

AGE OF CHILD AT THE DATE OF PLACEMENT	ENTITLEMENT
Less than 5 years of age	<p>9 weeks on full pay under the Award provision plus an additional 9 weeks of special leave at full pay provided by Council.</p> <p>An employee may also choose to take 18 weeks on half pay under the Award provision plus an additional 18 weeks of special leave at half pay provided by Council.</p>
Between 5 years of age and less than 16 years of age	<p>8 weeks full pay or 16 weeks half pay</p> <p>4 weeks on full pay under the Award provision plus an additional 4 weeks of special leave at full pay provided by Council.</p> <p>An employee may also choose to take 8 weeks on half pay under the Award provision plus an additional 8 weeks of special leave at half pay provided by Council.</p>

An employee is not entitled to paid Adoption Leave in instances where the employee receives Parental Leave Make Up pay in connection with the adoption of the child.

2.10 Special Award Leave Provisions

2.10.1 Bereavement Leave

Council provides employees with paid leave to cover absences from work due to the death of a family member upon the production of satisfactory evidence.

The entitlement is up to 4 days for the death of an immediate family member and up to two (2) days for a member of the employee's extended family. Family relationship as applicable is defined as per the Award.

The entitlement is payable for each occasion of family bereavement. Any additional leave requests by the employee must comply with leave procedures for other leave types.

Casuals are not entitled to paid leave however are entitled to not be available for work in the above circumstances.

2.10.2 Jury Service Leave

Employees who are required to attend for Jury Duty shall be reimbursed the difference between the payment provided by the Court and the ordinary wages the employee would have received.

If an employee is not selected on the jury panel, Council expects the employee to return to work, unless other arrangements have been made with the employee's Manager.

The employee shall provide proof of attendance for the duration of their attendance and the monetary amount received in respect of the jury service.

2.10.3 Union Training & Conference Leave

Council provides Union Related Leave for an employee who is an elected workplace union delegate to attend accredited Union Training and Union Conference. The relevant Union should submit such a request for leave to the General Manager.

Council will provide ordinary pay to employees for such periods of leave, for days ordinarily worked by the employee.

2.10.4 Union Picnic Day

Union Picnic Day will be regarded as a public holiday for employees who are financial members of the Union(s).

Employees not on the list provided by the Union(s) (as per the Local Government Award) will not be eligible for the holiday, unless a staff member's employment began with Council and they have become a financial member of the Union after the initial Union(s) list was provided to Council.

Employees who are not financial members of the union(s), must attend work, and shall be paid at ordinary rates for their normal working day, unless they access another form of leave such as flex, annual leave etc.

2.11 Special Above-Award Leave Provisions

2.11.1 Purchased Leave

Council provides a Purchased Leave Scheme (Minimum of one (1) week - Maximum of four (4) weeks) to enable employees with additional flexibility to achieve a work life balance.

Payment for purchased leave is made through weekly payroll deductions prior to the leave taken. Employees will be reimbursed any unused or cancelled purchased leave with a lump sum payment. Employees should obtain separate financial advice in relation to any impacts on superannuation contributions, leave entitlements and tax that participation in this scheme may have.

This scheme is approved on a case by case basis by the employee's Director. Recommendations by the Manager must take into consideration the impact, disruption and other operational needs of the business unit and should not incur additional operational costs.

Purchased leave of one (1) week allocations must be paid for in advance of the leave being taken.

Purchased leave may be taken in conjunction with other leave categories.

2.11.2 Bayside Council Grant Days

Council provides for three (3) days per year to be "gifted" to employees to be used during the end of year Council close down. The three (3) days provided are not charged against any form of leave, and is considered an above award leave condition.

Employees will be credited the Grant Days in the first week of December to be used for the shutdown period. Employees that are required to work during the Grant Days, will have the days/ hours worked (up to 3 days) credited to their Grant Day Leave balance.

Grant Days are not payable on termination for any reason, and have an expiry period of twelve (12) months from the date of issuance (i.e. if an employee works the grant days, they will have 12 months in which to use the grants days from the date they were issued before expiry – Grant Days do not rollover from year to year).

Council Management and employees will work together to determine the level of service required during the 'Council Shutdown'. Employee requests to not work the 'Council Shutdown' in non-essential services will not be unreasonably refused.

2.11.3 Domestic Violence Leave

An employee experiencing family and domestic violence is entitled to ten (10) days per year of paid family and domestic violence leave for the purpose of:

- a) Attending legal proceedings, counselling, appointments with a medical or legal practitioner;
- b) Relocation or making other safety arrangements;
- c) Other activities associated with the experience of family and domestic violence.

The employee shall give Council notice as soon as reasonably practicable of their request to take leave under this clause.

Council requires the employee to provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in section 2.11.3. Such evidence should include documents issued by the police service, a court, a health professional, a family violence support service, or a lawyer.

Council will ensure that any personal information provided by the employee to Council concerning an employee's experience of family and domestic violence is kept confidential.

A People & Organisational Culture representative will be appointed as a trained contact for those experiencing Family and Domestic Violence to assist and support the employee.

2.11.4 Blood and Plasma Donation Leave

Council provides for up to two (2) hours paid special leave for donating blood or plasma which may be granted by the Manager or Coordinator for an employee to donate blood at the Blood Bank. In general, this may be granted once every twelve (12) weeks.

Evidence of attendance may be required by Council in order to facilitate any payments of leave.

2.11.5 Study Leave

Council provides for eligible employees to apply for paid study leave. Please refer to Council's External Training Policy & Procedures for specific study leave information.

2.11.6 Australian (Reserves) Defence Force Training

Council will grant special leave for employees who are required to attend annual training camps as part of the Defence Forces Reserve. Council will provide for the difference between the monies provided by the ADF and the employee's substantive weekly wage.

Prior to approval, Council will require evidence to be provided detailing the purpose and necessity of the leave. On return, Council will require a certificate of attendance provided to Council on return to normal duties and provided to Manager for submission to Payroll.

2.12 Leave without Pay

Applications for leave without pay up to four (4) weeks may be approved by the Business Unit Manager and POC. Applications for leave without pay greater than four (4) weeks must be approved by the General Manager following recommendation from the Manager.

Recommendations by the Manager must take into consideration the impact, disruption and other operational needs of the business unit and should not incur additional operational costs.

Each case will be considered on a case by case basis. Factors taken into consideration may include:

- a) The employee's length of service with Council;
- b) Legitimate family circumstances or need for leave;
- c) Ease of recruitment in filling the position if vacant;
- d) The employee's level of performance and/or specialist skills; and
- e) The exceptional circumstance.

All accrued annual leave, long service leave and leave in lieu are to be exhausted before leave without pay will be considered.

Periods of leave without pay are not considered service for the purpose of calculating long service leave, sick leave, annual leave or any parental leave.

Council employees (with less than 4 weeks annual leave and less than 6.5 weeks long service leave) who are eligible for the Commonwealth Paid Parental Leave scheme (CPPL) may request two (2) weeks leave without pay to qualify for the PPL supporting parents payment (referred to as the Dad's and Partners leave and payment).

The CPPL scheme provides eligible working fathers or partners (including adopting parents and same sex couples) to receive up to two (2) week's pay at the federal minimum wage after the birth or adoption of a child. To be eligible working fathers or partners must not be working during this time or must be on unpaid leave.

3 Policy Implementation

3.1 Policy Responsibilities

3.1.1 All Employees

Council relies on all its employees to contribute to a high level of customer service and team work. Regular attendance is key to achieving these objectives. Unplanned absences disrupt services to customers and place an unfair burden on co-workers and increase the costs of conducting business and operations.

All employees are expected to report for duty as scheduled, except when on authorised leave or unable to attend due to illness/injury. Employees must follow the procedures for leave application, notification of absences and submission of any required documentation as relevant to the leave type.

Employees are expected to be aware of their leave balances and ensure that their leave requests remain within the constraints of leave type available to them.

3.1.2 Immediate Supervisors/Managers

Each immediate supervisor/Manager is responsible for establishing and ensuring working hour's best suited to the business needs of the work unit. As such, Managers are responsible for implementing the procedures as they relate to each leave type and ensure their staff are aware of their eligibility, entitlements and responsibilities as outlined by this policy and relevant procedures

Immediate supervisors/Managers should also ensure fair, equal and consistent treatment of all staff in the application of leave procedures.

Immediate supervisors/Managers manage leave under their financial responsibilities of managing expenditure and controlling costs to improve business profitability in line with Council's long term financial plan.

3.2 Procedures

Procedures that support this policy, may be changed and approved by the Manager People & Organisational Culture from time to time to address such issues as, but not limited to:

- a) Administrative workflow for approvals

- b) Technological advances (system implementation)

3.3 Breaches

Council may develop Performance Improvement Plans with an employee and their immediate supervisor and/ or apply the progressive disciplinary provisions of the Award for breaches to this policy.

4 Document Control

4.1 Review

This policy will be reviewed in line with the release of the 2020 Local Government (State) Award.

Council reserves the right to vary, replace or terminate this policy from time to time after consultation with the Staff Consultative Committee and the approval of the Executive Committee.

4.2 Related Documents

This policy is written in accordance the Award ('the Award'), Bayside Council's Local Agreement and all relevant legislation, including:

- Fair Work Act 2009 – Parental Leave
- Annual Holidays Act 1944
- Long Service Leave Act 1955
- Industrial Relations Act 1996
- The Bayside Council External Training Policy & Procedures.

4.3 Version History

Include the details of the original adoption / approval and subsequent changes. Version 1.0 is the initial adopted/approved version.

Version	Release Date	Author	Reason for Change
1.0		Kristina Forsberg	New document