

POLICY NO AND TITLE	1.2.1	Conditions of employment policy
PROCEDURE	1.2.1(w)	Leave
VERSION AND DATE ADOPTED	1	29/1/09
RESPONSIBLE OFFICER		Manager Human Resources

Annual Leave

Council does not believe that it is the intention of Annual Leave provisions contained within Awards and/or legislation, to permit unlimited accumulation of Annual Leave. Annual Leave is intended to provide employees with a respite from the work situation.

Annual Leave shall not be accumulated beyond two years entitlement, i.e 40 days. Leave in excess of 40 days will be forfeited unless prior approval to accumulate is given in writing by the General Manager

Guidelines/ Procedures

These guidelines should be read in conjunction with Clause 17, C of the Local Government (State) Award.

Directors and Managers have responsibility to ensure that annual leave is taken within 2 years of accrual and to ensure that leave forms are forwarded to the Payroll Officer to cover all annual leave absences.

The Payroll Officer will provide a quarterly report for each Director to highlight staff with annual leave balances exceeding 40 days.

Employees who have an annual leave balance exceeding 20 days, with a further 20 days credit becoming due, should apply in writing at least 3 months prior to their anniversary date to request approval to accumulate leave in excess of 40 days. The request should be forwarded through the Director to the General Manager.

Annual leave is to be approved in advance and at least two (2) weeks notice should be given by employees. Where prepayment of salary for a period of annual leave is required, leave forms should be submitted at least three (3) weeks prior to the commencement of the leave.

Leave may be taken on a pro rata basis (i.e. prior to receiving the annual credit) subject to sufficient pro rata leave credits being available and that the absence is mutually convenient for Council and the employee.

Sick Leave

All employees are entitled to sick leave in accordance with the provisions of the Local Government (State) Award.

Guidelines/ Procedures

Employees who are unable to attend for work due to genuine personal illness/ injury are required to notify their Team Leader or Manager as early as possible and, in any case, no

later than 30 minutes after normal commencement time. Notification is to include the employee's reason for absence and the anticipated duration.

Proof of illness to justify payment will be required after 2 days absence or after 3 separate periods (irrespective of the duration of those absences) in each service year.

Periods of sick leave of less than 4 hours may be taken as time in lieu or on a time made up basis subject to the managers approval. These instances will not be counted as sick leave.

An application for sick leave must be completed within 2 days of returning to work.

Where an employee is unable to make an appointment due to unavailability of a medical practitioner and subject to the following conditions, the employee may present a form signed by the medical receptionist stating that no appointments were available at the required time. The form (available as a template) should be submitted to the supervisor/manager with a statutory declaration detailing the circumstances.

1. Contact with the doctor's surgery must be no later than 2nd day of illness.
2. The form will cover up to a maximum of 3 days of certificated sick leave from the date of the letter being signed.
3. It is the employee's responsibility to obtain medical proof of illness.

Accrued Leave

Council recognises that there are mutual benefits to be gained from adopting flexible work and leave arrangements but considers it important to define broad guidelines for the use of management and staff in relation to the issue of accrued leave.

The provision of accrued leave carries the following intentions:-

- recognise that workloads or work commitments do not always make it possible or feasible for employees to avail themselves of their rostered day off as it falls due;
- that employees appreciate being afforded some flexibility in the choice of their rostered day off where this does not detract from section or team efficiency nor create administrative difficulties;
- that time off in lieu of overtime is a Local Government (State) Award 2007 option that may suit employee and organisational needs;
- that employees who are required to undertake training outside normal work hours are adequately compensated.

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Guidelines/ Procedures

- Leave may accrue when employees:-
- work on their rostered day off;
- elect to accrue time in lieu of overtime when required or directed to work;
- are required to work when on call or a public holiday;
- undertake approved training after normal hours (Refer procedure Attendance at External Training).

The Local Government (State) Award 2007, provides that where prior agreement is reached, an employee directed to work in excess of ordinary hours may elect to be paid either the appropriate overtime rate or be granted time in lieu equivalent to the actual hours worked.

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Accrual of hours must be approved in advance by the relevant manager (or Director in the case of a manager working) and notified to the Director within one week.

Accrual of hours will not be considered where the employee works or attends meetings outside normal hours at their own discretion

Accrual of hours may only be authorised where an employee is directed or requested to work outside normal working hours

Accrued leave occurring as a result of working additional hours must be taken within 2 weeks of accrual unless authorised by the Director.

Accrued leave occurring as a result of untaken rostered days off is to be taken within six months of the date of accrual

The maximum amount of accrued leave is 5 days and accruals in excess of 5 days are to be taken as directed.

Employees who are required to respond to operational emergencies or requirements retain the option to accrue time in lieu in accordance with the Local Government (State) Award 2007, and obviously such arrangements cannot be approved in advance

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Accrued leave should be utilised as a priority over annual leave

Court Attendance (Representing Council)

Staff may be directed to represent Council at Court proceedings on matters involving Council business. Staff may also be subpoenaed to appear as witnesses in Court proceedings on behalf of Council on external matters and Council has resolved to recover the costs arising from those requirements.

Guidelines/ Procedures

Staff may be required to give evidence at Court proceedings on behalf of Council and, in such cases, all costs including salary and reasonable travel expenses will be met by Council.

Staff may at times be subpoenaed to appear as a witness in Court proceedings on behalf of Council and the following procedures should be observed:-

Costs for attendance at Court hearings should accompany the subpoena and staff should ensure that those costs are adequate. If the Court is located in Sydney, the amount tendered should equal or exceed \$500.00. If the Court is located in Bega or Eden, the amount tendered should be calculated at 51c per kilometre from the place of normal work.

Should the Subpoena require the production of books, deeds, files or other papers, the Subpoena is to be personally delivered to the relevant Director by the Records Manager.

Where the Council itself or where a Council staff member is not a party to proceedings in the Court and the Council or the staff member concerned incurs expense either in attending the Court or searching out documents, and such expense exceeds \$20.00, a claim should be made on the Court for the time taken to attend the Court and/or to search

out the documents subpoenaed by the Court. The relevant Manager, in conjunction with the Payroll Officer, should prepare the necessary account to be produced to the Court.

Attendance at Court (Jury Service or Crown Witness)

An employee called for jury service or summoned to appear as a Crown witness will be granted leave of absence from Council. The employee will be paid the difference between ordinary rate of pay and any fees received for either jury service or Crown witness service.

In other cases where an employee is required to appear as a witness in proceedings not associated with Council, make-up pay or actual pay will not be granted.

Guidelines/ Procedures

Applications for leave to attend jury service or as a Crown witness are to be made on a normal leave application form.

Applications for this leave must be accompanied by the necessary supporting documentation.

The employee is required to produce evidence of payment received prior to any difference in pay being met by Council.

Leave Without Pay

All applications for leave without pay will be considered individually and on their merits. Leave without pay will only be considered and/ or approved where no other appropriate leave entitlements are held.

Organisational requirements will form a significant factor in the consideration process.

Guidelines/ Procedures

The following examples are quoted as a guide of where leave without pay may be authorised:-

- Compelling reasons e.g. if all leave entitlements are exhausted and employee is still medically unfit for work.
- Extenuating family reasons e.g. emergency illness or prolonged sickness of an immediate family member requiring extensive care.
- Bereavement: where additional time off is required to attend a funeral of a close family member overseas.

The following examples may be approved subject to satisfactory workplace arrangements:-

- External course requirements e.g. if leave required is in excess of leave provided for in the Educational Assistance policy (Section 3).
- Professional development requirements e.g. where attendance for a scholarship or secondment period to another organisation is considered beneficial to Council.
- **Extended travel**
Representing State or National sporting teams.

Applications for leave without pay must be submitted in writing, through the relevant Manager and Director, and shall detail the reasons for the leave. Applications should be accompanied by all available supporting evidence and information.

Applications can only be approved by the General Manager.

Leave without pay approval is subject to:-

- such periods not counting as service for the purpose of calculating Award entitlements.
- the employee accepting responsibility for payment of both the Council and their own superannuation contributions.