

LEAVE MANAGEMENT POLICY

PURPOSE

The purpose of this Policy is to provide a consistent application of the leave provisions in the Local Government Industry Award by: -

1. Managing the significant financial implications of leave liability.
2. Meeting work health and safety obligations by ensuring staff take four weeks leave every year.
3. Facilitating consistency throughout the Shire of Quairading in administering the leave provisions for employees.
4. Providing management with direction to effectively manage the annual and long service leave entitlements of employees.
5. Encouraging employees to take leave by reinforcing the positive benefits of taking leave when it becomes due.

OBJECTIVE

1. To ensure employees access their leave accruals in accordance with the National Employment Standards, *the Work Health & Safety Act 2020* and the provisions of the Local Government Industry Award.
2. To manage the significant financial implications of organisational leave liability.

POLICY & PROCEDURE

1. Permanent employees are entitled to annual and long service leave consistent with the provisions of the National Employment Standards and the Local Government Industry Award: -
 - a. Full Time Employees are entitled to four weeks leave per annum.
 - b. Part Time Employees accrue annual leave on a pro rata basis.
 - c. Annual leave accrues progressively and accumulates from year to year.
2. The entitlement is 13 weeks of long service leave for every ten years of continuous service (for a full time employee). Part time and casual employees' long service leave is based on the hours they have worked in the 12 months prior to their anniversary date.
3. All employees are required to take long service leave within one year from the date in which it is accrued, subject to any approval of deferred long service leave by the CEO.
4. In the case of the CEO, Council is to consider an application for the deferral of long service leave.

Approvals & Obligations

1. Leave application forms are required to be completed and submitted for approval to the relevant manager/supervisor.
2. Leave applications may be considered in the context of the National Employment Standards, the *Work Health & Safety Act 2020*, the needs of the employee and the operational requirements of the organisation.
3. The employee will provide the employer with a minimum of six weeks' notice to take planned annual leave. Unplanned annual leave will be considered on a case by case basis (including consideration of the urgency for the leave and organisational need).
4. Managers are required to consider how the duties and responsibilities of the position are to be delivered in the absence of the employee on leave.
5. After approval by the CEO, leave forms are to be forwarded to the Senior Finance Officer for processing.
6. It is the obligation of individual employees, in conjunction with their manager/supervisor, to determine whether there is a need to communicate their impending absence to other employees. As a general rule, managers should advise all employees of the absence and what acting arrangements, if any, have been put in place during the period of leave.
7. Where coverage is not possible to accommodate all leave applications submitted, it is the responsibility of the manager to consult the affected employees regarding the situation to enable a resolution to be achieved.
8. The accrual of time in lieu (TOIL) is only permitted where approved by an Executive Manager in advance and must be taken within one month after the accrual. There is no exception to this timeframe. If TOIL is permitted to accrue, it increases the organisation's leave liability because staff use accrued TOIL instead of annual leave.
9. Staff that accrue a monthly Rostered Day Off (RDO) must use the RDO one month after accrual. There is no exception to this timeframe. If RDOs are permitted to accrue, it increases the organisation's leave liability because staff use accrued RDOs instead of annual leave.

Taking of Leave

1. The manager or supervisor is required to manage the taking of leave and to maintain a leave roster ensuring that adequate coverage of functions is maintained.
 - a. The employer will recognise the employees' rights under the National Employment Standards when considering leave applications.

The employer will recognise the employees' rights under the *Work Health & Safety Act 2020* when considering leave applications.
 - b. The employer will endeavour to approve leave applications to meet the convenience of the employee, however the operational needs of the local government must be considered.

Leave application forms should be signed by the applicant, approved by the responsible manager and signed off by the CEO. All leave application forms need to be forwarded to the Senior Finance Officer for action.

Where an employee requires a period of personal leave for injury or illness while on annual leave, they may apply to have the leave reversed in line with the notice and evidence requirements set out in the Award (which requires a doctor's certificate stating the employee is unfit to perform their usual duties).

Leave Rosters

1. Executive staff are required to develop and maintain leave rosters that identify proposed relief/coverage arrangements for all employees within their area of responsibility.
2. Where relief is required, this is to be negotiated by the relevant manager.
3. To encourage effective workforce planning, teams are to monitor the leave roster to ensure that sufficient employees are available to cover for peak workload periods and holiday periods.
4. Supervisors are to regularly monitor the leave taken to ensure that the total accrued leave does not exceed this policy.

Excess Leave

1. NES Standards for excessive accruals and annual leave are: -
 - a. An employee has an excess leave accrual if the employee has accrued more than eight week's paid annual leave.
 - b. Annual leave is taken by agreement, but the employer may not unreasonably refuse an employee's request to take annual leave.
 - c. Provided four weeks' notice is given, a local government may require an employee to take annual leave:-
 - i. As part of a close-down of its operation (such as over the Christmas/ New Year period)
 - d. Where more than eight week's leave is accrued provided the employee retains a balance of at least four weeks *Work Health & Safety Act 2020*.
2. Employees are to be informed that under the provisions of the *Local Government (Long Service Leave) Regulations*:

"Where the commencement of long service leave has been postponed to meet the convenience of the employee beyond a period of six months, the rate of payment for or in lieu of that leave shall be at the rate applicable to the employee for ordinary time (excluding allowances) at the end of the period of 6 months unless otherwise agreed in writing between the Local Government and employee."

Cashing out of Annual Leave

1. An employee may request to cash out up to two weeks' annual leave every 12 months, as long as they maintain a balance of four weeks annual leave. The request will only be approved in extreme circumstances (e.g. death of an overseas family member) due to:
 - a. The significant cost to the organisation of cashing out leave; and
 - b. The organisation's work health and safety obligation to ensure staff take four weeks' leave every year.

Deferral of Long Service Leave

1. Within six months of long service leave becoming due, managers/supervisor are to be advised by the Senior Finance Officer of employees within their team who have not cleared long service leave for that year.
2. Employees are required to formally seek approval from the CEO to defer long service leave. This deferral request is to be in writing and to clearly identify the amount of leave accrued, at what date it will be cleared and why it has not been cleared.
3. Where the commencement of long service leave has been postponed to meet the convenience of the employee beyond a period of six months, the rate of payment for or in lieu of that leave is to be at the ordinary time rate payable to the employee (excluding allowances) at the end of the period of six months unless otherwise agreed in writing between the Shire of Quairading and the employee.

Leave management during a pandemic

Under its general duty of care, the Shire is required to ensure that all employees attending work are fit to undertake the duties and responsibilities of their position. Managers may require an employee to leave the workplace if they believe the employee is not fit for work and/or to obtain a medical certificate to confirm fitness to return to work following a period of ill health or absence to care for family members (to avoid transmission of infection).

Employees who are absent due to ill health or caring responsibilities will be paid in accordance with the relevant industrial instrument and Shire Policy, Practice or Procedure. These options include:

1. Personal (Sick or Carer's) leave entitlements.
2. Accrued annual or long service leave entitlements.
3. Additional hours accrued in lieu of overtime or through flexible working arrangements.
4. Pro-rata annual leave (up to four weeks' maximum, pro-rata for part time employees).
5. Leave without pay (Sickness Benefits may be available via Centrelink).
6. Work from home in accordance with Shire Procedures (subject to review at the end of two weeks).

When all leave entitlements have been exhausted and/or working from home arrangements are not reasonable or practical, the employee may be granted leave without pay. Alternatively, where the employee can demonstrate that taking unpaid leave will result in hardship, other (discretionary) options may be considered.

In relation to discretionary options, the Chief Executive Officer (CEO), or a person appointed by the CEO, will determine applications on a case-by-case basis.

Discretionary options may include:

1. Taking annual or sick leave in advance (up to a maximum of two weeks, pro-rata for part time employees) to be deducted from future accrual until repaid or deducted from the termination pay where the employee ceases employment prior to accruing sufficient entitlements.
2. Other arrangements as determined by the CEO, or a person appointed by the CEO.

Variation to Policy

This policy may be cancelled or varied from time to time at the discretion of Council so far as this does not conflict with National Employment Standards, the *Work Health & Safety Act 2020* and the provisions of the Local Government Industry Award.

All of the Shire of Quairading's employees are to be notified of any variation to this policy in writing.

STATUTORY ENVIRONMENT


Local Government (Long Service Leave) Regulations

National Employment Standards

Local Government Industry Award 2020

Fair Work Act 2009

Work Health & Safety Act 2020

Record of Policy Review						
Version	Author	Council Adoption	Resolution	Reason for Review	Review Date	CEO Signature
01	Graeme Fardon	24/11/16	89-16/17			
02	Graeme Fardon	20/12/18	115-18/19	<i>Policy Review Project – 5/12/2018</i>		
03	Graeme Fardon	17/12/20	97-20/21	Biennial Policy Review	Dec 22	
04	Nicole Gibbs	29/09/22	64 - 22/23	Policy held outdated information	Sept 24	
05	Nicole Gibbs	24/2/23	161-22/33	Review of TIL and RDO obligations Merging of "Leave management during a pandemic Policy"	Feb 25	