

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

Permanent employees are entitled to annual, personal and long service leave consistent with the provisions of the *Minimum Conditions of Employment Act 1993 (WA)*, the Local Government (Long Service Leave) Regulations (WA) and the Local Government Industry Award 2020: -

1. Full Time Employees are entitled to four weeks annual leave and 2 weeks personal leave per annum.
2. Part Time Employees accrue annual and personal leave on a pro rata basis.
3. Annual and personal leave accrue progressively and accumulate from year to year.
4. Employees are entitled to 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.

Requests & Approvals

1. Leave requests are required to be completed and submitted via the Definitiv App for approval by the relevant Manager/Supervisor.
2. All leave requests must be submitted and approved before leave is taken. The only exceptions being sick leave or carer’s leave or where annual leave is taken due to insufficient accrual of personal leave and replaces sick leave or carer’s leave.
3. Leave requests will be considered in the context of the *Minimum Conditions of Employment Act 1993*, the *Work Health & Safety Act 2020*, the needs of the employee and the operational requirements of the organisation.
4. Managers will endeavour to approve leave applications to meet the convenience of the employee, however managers must also consider the operational needs of the local government and how the duties and responsibilities of the position are to be delivered in the absence of the employee on leave.
5. 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.
6. If a leave application is rejected, the Manager/Supervisor must provide a reason for the rejection.
7. 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 rule, Managers should advise all employees of their absence and what acting arrangements, if any, have been put in place during their period of leave.

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.

Annual Leave

1. Employees must provide the employer with a minimum of two weeks’ notice to take planned annual leave. The Shire requests that employees adhere to the below notice periods for taking planned annual leave to assist management in organising coverage:

Annual Leave	Notice Period
< 1 week	2 weeks
1 – 2 weeks	4 weeks
> 2 weeks	6 weeks

2. Unplanned annual leave will be considered on a case-by-case basis taking into account the urgency of the leave request and organisational needs.
3. The Shire of Quairading encourages employees to take at least two periods of annual leave each year of no less than one continuous week's duration or at least one period of no less than 2 weeks' duration, to aid in rest and recovery and prevent burnout.
4. 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), or when excessive leave has been accrued, 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.
5. If an employee has excessive annual leave accruals of more than 8 weeks: -
 - a) The employee and employer will seek to come to a mutual agreement to reduce the annual leave accrual to no less than six weeks.
 - b) If an agreement cannot be reached, the employer may direct the employee to take leave in one or more periods of no less than one week in duration but no more than to reduce the accrual to 6 weeks. Notice of no less than 8 weeks but no more than 12 months will be given by the employer.
 - c) If an agreement cannot be reached, the employee may give the employer written notice of taking leave so long as the excess leave has at that time been accrued for six months or more. The same notice period as in c) applies.

Personal Leave

1. All personal leave must be requested as soon as practicable.
2. Evidence for eligibility for personal leave must be submitted for any request for personal leave of more than two days' duration. This can be a Medical Certificate stating that the employee is unfit to work, or a statutory declaration by the employee in cases where a Doctor's appointment could not be made within the two-day timeframe. A Medical Certificate must then be provided as soon as possible.
3. Where an employee requires a period of personal leave for injury or illness for any length of time while on annual leave, they may apply to have the leave reversed in line with the notice and evidence requirements as in 1. and 2.

Long Service Leave

1. Employees must discuss with their Executive Manager how they wish to take their long service leave when it becomes due. Where the employee plans to take a continuous period of more than four weeks long service leave, a notice period of no less than 12 weeks should be observed.
2. 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 Chief Executive Officer (CEO).

3. 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.
4. In the case of the CEO, Council is to consider an application for the deferral of long service leave.
5. 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.

Other Leave

6. 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. An exception to this timeframe is the CESM, who may accrue TOIL over the Summer season to be taken over the Winter season providing they do not accrue excessive annual leave. If TOIL is permitted to accrue, it increases the organisation's leave liability because staff use accrued TOIL instead of annual leave.
7. 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.
8. Paid Parental Leave must be applied for through the relevant Government agencies where a request can be made to be paid via the Shire of Quairading in the course of the fortnightly pay run. The Shire of Quairading will only pay Parental Leave if advised to do so by the relevant agencies.
9. An entitlement to leave without pay is not covered under the *Local Government Industry Award 2020* as the current Industrial Agreement or the *Minimum Conditions of Employment 1993*. An employee may only request leave without pay if they have no other leave entitlements accrued and leave without pay may only be taken if approved by an Executive Manager.

Annual Close-Down

During an organisation-wide close-down, i.e. over the Christmas period, the Shire may require its employees to take leave. In this case, notice of no less than 4 weeks will be given.

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 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.

Breach of Policy

This Policy constitutes a lawful instruction to employees. Any breach of this Policy may lead to disciplinary action including, but not limited to, termination of employment.

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 *Minimum Conditions of Employment Act 1993 (WA)*, the *Work Health & Safety Act 2020* and the provisions of the Local Government Industry Award.

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

STATUTORY ENVIRONMENT

Local Government (Long Service Leave) Regulations

Industrial Relations Act 1979

Local Government Industry Award 2020

Minimum Conditions of Employment Act 1993

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	
06	Tricia Brown	29/06/23	268 - 22/23	Change to award	June 2025	
07	Marion Haeusler	29/02/24	153-23/24	Updated for new procedures, to clarify, for inclusion of additional leave types and consequences of breach	Feb 26	