



Policy Title: LEAVE POLICY

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(Statutory, Financial, Administrative, Human Resources)

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1. Policy Background/Scope

This Policy applies to all Aurukun shire Council employees.

Leave provisions vary between Queensland Local Government Industry Awards - State 2017. This Policy is intended to address inequities between Council employees in relation to leave entitlements.

2. Annual Leave

Notwithstanding provisions for annual leave in the Queensland Local Government Industry Awards - State 2017 all Council Employees are entitled to 5 weeks of Annual Leave.

During probation, employees will not be entitled to take annual leave under this policy unless there are extenuating circumstances. Leave requests during probation must be approved by the CEO.

Annual leave accumulates from year to year unless an industrial instrument provides otherwise.

Annual leave is to be taken for a period agreed between the employee and the Council.

Where Annual Leave is taken as single days then a limit of 5 single days per year will apply except in exceptional circumstances and approved in writing by the CEO or delegated officer.

If the Council and an employee cannot agree on when an employee will take annual leave, the Council will decide and give the employee at least 14 days written notice of the start of the leave.

In addition to the Council directing an employee to take annual leave, employees can be directed to take annual leave in accordance with an applicable industrial instrument.

Without limiting the Council's capacity to direct, employees may be directed to take annual leave where it is reasonable. This might include where the Council is being shut down for a period such as Christmas or New Year.

Annual leave is exclusive of a public holiday that falls during the leave, except where the employee is entitled to additional annual leave as compensation for working on a particular public holiday.

The Council may agree to allow an employee to take annual leave in advance of accrual date.

Annual leave cannot be cashed out except in accordance with the applicable award or industrial instrument.

Unless an employee and the Council agree otherwise annual leave will be paid as part of the normal pay cycle. Payment of annual leave in advance maybe arranged by application to the Human Resources Manager.

Any annual leave taken will be paid at the employee's ordinary rate of pay immediately before the leave is taken, however if immediately before taking the leave, the employee was being paid at a higher rate than their ordinary rate then the annual leave will be paid at that higher rate.

If an employee is covered by a relevant industrial instrument, then the employee is also entitled to receive annual leave loading at the rate of 17 ½ percent when taking annual leave.

Subject to the terms of any other agreement, contract, or award, any accrued but untaken annual leave will be paid out on termination. Such payment will be the amount that would have been payable to the employee had the employee taken that period of leave.

Casual employees, school-based apprentices and school-based trainees have no entitlement to annual leave.

3. Sick and Carer's Leave (Personal Leave)

For each completed year of service with the Council, an employee (other than a casual employee) will be entitled to 15 days paid sick leave.

An employee may use their accrued paid sick leave for personal illness or personal injury affecting the employee.

An employee may also use this leave to provide care and support to a member of the Employee's Immediate Family, or a member of the employee's household, who requires care or support because of a personal illness, or personal injury affecting the member, or an unexpected emergency affecting the Immediate family/household member;

An employee can only use ten days of paid sick leave as Carer's leave per year of service, irrespective of the amount of sick leave the employee has accumulated. Unpaid Carer's Leave is available as per Queensland Industrial Relations Act 2016.

In order to access an entitlement to sick / Carer's leave, an employee must:

- a) Comply with any requirements in their award, agreement and contract;
- b) Inform the supervisor or manager that the employee will be absent from work because of personal illness or injury or for Carer's leave purposes before taking the leave;
- c) Inform the Council of the period of the absence;
- d) If the absence is more than 2 days, provide a medical certificate or other evidence that would satisfy a reasonable person that the leave is taken for sick / Carer's reasons as specified in this policy, such as a statutory declaration;
- e) Inform the Council of the person requiring care and that person's relationship to the employee; and
- f) If the reason for taking the leave relates to an unexpected emergency, advise the Council of the nature of the emergency.

Paid Sick/Carer's leave for employees (other than casuals), will be paid at the employee's ordinary rate of pay for all ordinary hours of work in the period. This will not include payment for any allowance, loadings, penalties or the like unless prescribed by a relevant Industrial Instrument. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

A long-term casual employee is entitled to 10 days unpaid Carer's leave for each year of service.

A long-term casual employee may take further unpaid Carer's leave if the Council agrees.

For the purpose of this Policy a long-term casual employee is defined as a casual employee engaged by a particular employer, on a regular and systematic basis, for one

or more periods of employment during the one year immediately before the employee seeks to access an entitlement.

A short-term casual employee is entitled to leave work or be unavailable to attend work for up to 2 days (unpaid) for each occasion the employee needs to care for and support Immediate family members or members of the employee's household:

- a) When they are ill; or
- b) Because an unexpected emergency arises; or
- c) Because of the birth of a child.

A casual employee may take further unpaid Carer's leave if the Council agrees.

In order to access an entitlement to unpaid sick / Carer's leave, the relevant casual employee must:

- a) comply with any requirements in their award, agreement and contract;
- b) inform the council of the period of the absence;

If the absence is for more than 2 days:

- a) provide a medical certificate or other evidence that would satisfy a reasonable person that the leave is taken for sick / Carer's reasons as specified in this policy, such as a statutory declaration;
- b) inform the Council of the person requiring care and that person's relationship to the employee; and

If the reason for taking the leave is because of an emergency, you must notify your Manager/Supervisor as soon as possible.

Inform the Supervisor or Manager that the employee will be absent from work because of personal illness or injury or for Carer's leave purposes before taking the leave.

4. Payment of Unused Personal Leave on Cessation of Employment

All employees, other than casuals, who have 3 years of continuous service with Council and over 1 week of unused Personal leave, are entitled to be paid 40% of their accrued entitlements, up to a maximum of 45 days leave or the pro rata equivalent, on cessation of their employment with Council.

Payment of unused personal leave will only relate to personal leave accrued whilst the employee has been employed with Aurukun Shire Council.

Employees moving to other Queensland Local Government appointments should consider that Personal/Sick leave accrual can be portable between councils and that their accrual whilst an employee of Aurukun Shire Council, is considered to be completely exhausted if they opt for the 40% payout.

5. Bereavement Leave

The Council provides bereavement leave in accordance with the Act.

Employees (other than casual employees) are entitled to at least 2 days' paid Bereavement Leave for each occasion when a member of the employee's Immediate Family or a member of their household dies.

If an employee (other than a casual) reasonably requires extra time to travel to and from the funeral or other ceremony as a result of the death, that employee is entitled to

an amount of unpaid bereavement leave equal to the time reasonably required for the travel.

An employee (other than a casual employee) may take further unpaid bereavement leave if the Council agrees. Bereavement leave for employees other than casual employees will be made at the employee's full rate of pay for the employee's ordinary hours of work in the period.

The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements. Bereavement leave cannot be cashed out. To access an entitlement to bereavement leave, employees must as soon as practicable, inform the Supervisor or Manager of the following:

- a) That the employee will be absent from work because of the death of an Immediate family member or household member;
- b) The period of the absence including the requirement for additional time off for the purposes of travel; and
- c) The name of the person who has died and that person's relationship to the employee.
- d) An employee must also provide the Council with a copy of the funeral notice or such other evidence of the death that the Council requires to substantiate the fact that the leave is related to the death of an immediate family member or household member.
- e) As bereavement leave is an event-based leave, it does not accrue and accordingly, will not be paid out on termination of employment.

6. Leave Without Pay

Council recognises that circumstances sometimes arise where an employee needs to take leave from work but has insufficient accrued leave entitlements to do so.

Examples include but are not limited to:

- non-work-related illness
- caring for family members or relatives for an extended period of time
- travel
- study
- undertaking volunteer work
- moving house.

Leave without pay may be available where no paid leave is otherwise available. The granting of this leave is at the discretion of Council.

Only employees who have no entitlements to paid leave for the period of their proposed absence may apply for leave without pay.

If leave is approved, employees may be required to comply with the certain work-related requirements during that period of leave, for example:

- attendance at work-related training courses or conferences and not accepting other employment during that period.

The period of approved leave without pay is at Council's absolute discretion and the leave can be cancelled at any time by the Council for operational reasons.

Council will not make superannuation contribution payments on an employee's behalf during any period of leave without pay.

All employees who are granted leave without pay are expected to resume duties on the first working day after the expiration of the leave period.

If an employee does not intend to resume duties on that day or at all, they should notify the Director in writing at least four weeks before the expiration date. A failure to make appropriate arrangements with the Council before the expiration date of the leave may result in an employee's employment ending due to abandonment.

7. Casual Employees

Casual employees are entitled to be unavailable to attend work for up to 2 days on unpaid bereavement leave for each occasion when a member of the employee's Immediate Family or a member of their household dies.

If a casual employee reasonably requires extra time to travel to and from the funeral or other ceremony as a result of the death, that casual employee is entitled to an amount of unpaid bereavement leave equal to the time reasonably required for the travel. With Manager/Supervisor approval an employee may take further unpaid bereavement leave.

8. Long Service Leave

An employee who has completed at least 7 years continuous service is entitled to a proportionate payment for long service leave on the termination of the employee's service.

- a) The payment of pro rata Long Service Leave on termination after 7 years continuous service with Aurukun Shire Council at the rate of 1.3 weeks for each completed year of service for all Aurukun Shire Council employees except for casuals.
- b) The accrual of long service leave for all Aurukun Shire Council employees except for casuals at 1.3 weeks per annum from the date of continuous employment commencement for each employee.
- c) All other Long Service Leave entitlements shall be in accordance with the Division 6 of the Queensland Employment Standards in the Industrial Relation Act 2016.
- d) The Council and an employee may agree that the employee may be paid part of their entitlement to long service leave instead of taking the leave where an employee requests the payment due to hardship.
- e) Employees moving to other Queensland Local Government appointments should consider that Long Service leave accrual can be portable between councils and that their accrual is considered to be completely exhausted if they utilize their payout option.

If, however the employee's service is terminated before they complete 10 years continuous service, the employee is entitled to a proportionate payment only if:

- a) the employee's service is terminated because of the employee's death; or
- b) the employee terminates the service because of:
 - i. the employee's illness or incapacity; or
 - ii. a domestic or other pressing necessity; or

- c) the termination is because the employer:
 - i. dismisses the employee for a reason other than the employee's conduct, capacity or performance; or
 - ii. unfairly dismisses the employee; or
- d) the termination is because of the passing of time and:
 - i. the employee had a reasonable expectation that the employment with the employer would continue until the employee had completed at least 10 years continuous service; and
 - ii. the employee was prepared to continue the employment with the employer.

9. Jury Service

The Council provides Jury Service Leave in accordance with the *Queensland Industrial Relations Act*.

10. Domestic and Family Violence Leave

The Council provides Domestic Violence Leave in accordance with *the Queensland Industrial Relations Act*.

11. Cultural Leave

Only employees who are required by Aboriginal tradition or Island custom to attend Aboriginal or Torres Strait Islander ceremonies are entitled to apply for cultural leave.

If the Council agrees, an eligible employee may take up to 5 days unpaid cultural leave per year of service.

If an eligible employee wishes to apply for cultural leave, they should give the Council before taking the leave:

- a) Reasonable notice of the intention to take cultural leave;
- b) Details of the reason for taking the leave; and
- c) Details of the period that the employee estimates they will be absent.

12. Parental Leave

Parental Leave is now dealt with as a separate Council Policy.

13. Isolation Leave

Isolation Leave is now dealt with as a separate Council Policy and is not mentioned in the *Queensland Government Industry Award- State 2017*.

14. Public Holidays

Council observes Queensland designated public holidays in addition to any Gazetted holidays or additional holidays declared by the Council.

An employee who would ordinarily be required to work on a day on which a public holiday falls is entitled to be absent from work on full pay.

Employees required to work on a public holiday, excluding Community Police Officers will be paid penalty rates in accordance with the applicable Award.

The paid leave provisions of this section do not apply to casual employees, employees who are rostered off on a public holiday.

15. Leave Applications

Any employee who requests leave of a type specified by this Policy should submit a Leave Application where possible at least 10 working days before the leave is to be taken and comply with the other relevant notice and documentation requirements outlined in this Policy.

16. Related Documentation

Queensland Industrial Relations Act 2016

Queensland Local Government Industry Awards - State 2017