

Illawarra Shoalhaven Joint Organisation Policy Manual

Leave Policy and Procedure



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1. Policy Statement

This policy sets out the Leave Policy and associated Leave Procedures applying to employees of the Illawarra Shoalhaven Joint Organisation (ISJO). It provides a resource for employees seeking information about their leave entitlements and outlines the rules under which leave is accrued, accessed or ultimately finalised on resignation / termination of employment.

For a definition of key terms within this Policy and Procedure please consult the Local Government (State) Award.

2. Scope

This Policy and Procedure replaces all previous Leave Policies within our organisation and applies to all of the ISJO's full and part time permanent and fixed term staff.

Its provisions generally do not apply to casual employees as they are paid a 25% loading calculated on the ordinary hourly rate applying to their position. This loading is in lieu of all leave including, but not limited to, annual leave, long service leave, sick leave and severance pay.

This Policy and Procedure does not form part of any employee's contract of employment. It is not intended to override the terms of any award, agreement or contract that applies to an employee.

The Policy and Procedure addresses the types of leave that are available to full and part time permanent and fixed term staff of the ISJO.

These types of leave include:

- Annual Leave
- Sick Leave
- Carers Leave
- Bereavement Leave
- Emergency Services Leave
- Jury Service Leave
- Union Leave
- Family and Domestic Violence Leave
- Special Leave (including Community Service Leave)
- Long Service Leave
- Parental Leave
- Dad and Partner Leave
- Adoption Leave
- Rostered Days Off, and
- Leave without Pay.

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3. Key Responsibilities

The following responsibilities apply:

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| The ISJO Board | The board approves all arrangements that are outside the provisions of this Policy and manages the leave arrangements of the CEO |
| CEO | <p>The CEO:</p> <ul style="list-style-type: none"> • Establishes and implements this Policy and Procedure • Monitors and reviews this Policy and Procedure to ensure compliance • Communicates this Policy and Procedure to ensure that it is up-to-date and accessible to all employees • Provides guidance and assistance to managers, supervisors and employees on the application of the Policy and Procedure as required • Determines any issues that are in dispute or have not been determined locally in a manner consistent with the Policy and Procedure • Informs employees of their obligations under the Policy and Procedure. |
| Managers and Supervisors | <p>Managers and Supervisors:</p> <ul style="list-style-type: none"> • Implement the Policy and Procedure within their areas of control • Comply with requirements outlined in the Policy and Procedure • Promote best conduct and regularly remind employees of their responsibilities in relation to the Policy and Procedure • Determine the appropriate course of action in managing any conflict in relation to this Policy and Procedure within their areas of control. |
| ISJO Employees | <p>ISJO Employees:</p> <ul style="list-style-type: none"> • Comply and adhere to requirements outlined within this Policy and Procedure. |

4. Types of Leave

4.1 Annual Leave

The ISJO provides Annual Leave in accordance with the Award.

For each year of service, a full-time employee (working either 35 or 38 hours per week) is entitled to four (4) weeks Annual Leave.

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Part-time employees accrue leave on a pro-rata basis based on the number of hours or days worked. The table below indicates how Annual Leave accrues for part-time employees.

| Number of days worked per week | Annual Leave entitlement per year (days) |
|--------------------------------|--|
| 1 | 4 |
| 2 | 8 |
| 3 | 12 |
| 4 | 16 |
| 5 | 20 |

Annual Leave is not debited for public holidays on working days that fall within an employee's period of approved leave.

Annual Leave accrues progressively during the year of service and accumulates from year to year.

Accrued Annual Leave is paid out on termination of employment.

Casual employees are not entitled to paid Annual Leave.

Process for requesting Annual Leave

Annual leave is to be taken as soon as is mutually convenient to the employee and the ISJO and for periods agreed between the employee and the ISJO.

The ISJO reserves the right to reject a leave application as a result of but not limited to:

- a) The negative impact it would cause on the operational needs of the Business Unit
- b) The fact that other employees within the Team / Business Unit have been approved for leave and further concurrent leave would result in poor customer service or an inability to meet the operational needs of the organisation
- c) The employee is working on time sensitive or critical projects / tasks.

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 is two (2) weeks.

Employees will need to submit a Leave Request in the approved form. This form may vary from time to time (2022 form attached).

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Notification will be received once the Leave Request has been approved or declined by the employee's manager and / or the CEO / Executive Officer.

Direction to take Annual Leave

The ISJO may direct an employee to take Annual Leave with notice of at least four (4) weeks where:

- The employee has accumulated in excess of eight (8) weeks of annual leave, or
- There is a period of annual shut down.

Notwithstanding the above, an employee may be authorised to accrue in excess of 8 (eight) weeks of Annual Leave at any one time with the prior approval of the CEO.

Annual Leave in Advance

The ISJO may consider requests for an employee to take a period of paid Annual Leave before the employee has accrued an entitlement to it.

The ISJO is not, however, obliged to approve requests for paid Annual Leave in advance.

If approved, the amount of paid Annual Leave in advance will not exceed more than six (6) months of the employee's Annual Leave entitlement (for example, ten [10] days for a full-time employee).

Untaken Annual Leave / Transfer of entitlements on termination of employment

Any untaken annual leave will be paid out on termination of employment at the employee's ordinary rate of pay unless the employee is taking up employment in another local government entity within New South Wales. Employment by a local government entity may allow – subject to agreement between the ISJO and the new employer – the transfer of untaken annual leave entitlements.

4.2 Sick Leave

Sick Leave is time taken off work when an employee is sick or injured and unable to attend work.

Taking Sick Leave

Sick Leave should be taken when an employee is unfit for work because of their own personal illness or injury (including pregnancy-related illness).

To try and prevent illness at ISJO, employees must take Sick Leave if they are experiencing:

- Symptoms of an infectious condition, like influenza or COVID-19 or
- Symptoms of gastroenteritis.

Entitlements

All employees, other than casuals, are entitled to be paid Sick Leave. Full-time employees are entitled to fifteen (15) days Sick Leave per annum. These hours are credited annually on the anniversary of their employment.

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Where a person is employed on a fixed-term or temporary basis of less than 12 (twelve) months duration, the employee shall be entitled to one week of Sick Leave on commencement. The employee will then be entitled to a further one week of Sick Leave after each four months of continuous service.

Part-time employees have a pro rata entitlement according to the employee's ordinary hours of work (see table).

| Number of days worked per week | Sick Leave entitlement per year (days) |
|--------------------------------|--|
| 1 | 3 |
| 2 | 6 |
| 3 | 9 |
| 4 | 12 |
| 5 | 15 |

The ISJO may, at its discretion, grant an employee Sick Leave at half pay if satisfied that extenuating circumstances exist.

Sick Leave continues to accrue when an employee takes a period of paid Sick Leave or paid Annual Leave. Sick Leave will not accrue on Unpaid Leave unless it is Community Service Leave.

As per the Local Government Award, however, untaken sick leave can be transferred to another employer. Employees leaving the ISJO and transferring to another local government entity in New South Wales will be supplied a Certificate of Service. This Certificate of Service will detail any entitlements transferring to the new employer.

Note that a new employing council is not obliged to accept full funding for accrued leave entitlements and that the paying out of a portion of entitlements may be required. The ISJO will comply with all requirements associated with the transfer of funds as detailed in the Local Government Award.

Preserved sick leave entitlement

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

Employees of a local government entity prior to 15 February 1993 who were engaged by the ISJO after 15 February 1993 (and during the period in which ISJO staff were employed by Kiama Municipal Council) may have unclaimed sick leave paid out up to the maximum amount allowable under Kiama Municipal Council policy at the time.

The maximum entitlement under this provision is 26 (twenty six) weeks of preserved sick leave. This equates to 988 (nine hundred and eighty eight) hours for employees on a 38 (thirty eight) hour week and 910 (nine hundred and ten) hours for an employee on a 35 (thirty five) hour week.

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(ADOPTED BY COUNCIL 23RD FEBRUARY, 1988)

Subject to the conditions set out below, Council will make a payment for accumulated untaken sick leave to employees who resign or retire from Council's employ, or who are made redundant.

The formula under which such payments will be made is set out below:-

- (a) For employees who have had 10 years or more continuous employment with Kiama Municipal Council - 25% of accrued balance of untaken sick leave.
- (b) For employees who have had 20 years or more continuous employment with Kiama Municipal Council - 50% of the accrued balance of untaken sick leave.

PROVIDED

1. The total payment does not exceed the equivalent of 26 weeks accumulated sick leave;
2. Continuous service with other Councils immediately prior to service with Kiama Municipal Council will be recognised as service with this Council after 5 years;
3. Council will implement a system of monitoring sick leave taken, and may require the production of doctors certificates where sick leave usage is abnormal.

ISJO staff employed through the mechanism of Kiama Municipal Council up until 2018 who did not have unbroken continuity of service with a New South Wales government entity predating February 1993 have no entitlement to a preserved sick leave entitlement.

Untaken sick leave accrued since direct employment by the ISJO will not be paid out under any circumstance.

Process for providing Notice of Personal / Carer's Leave and Evidence Requirements

It is the employee's responsibility to let their manager know, as soon as possible, but where possible before the scheduled start of their workday that they will not be able to work. The employee should also indicate how long they think they may be absent from work for.

Notification via a phone call to the employee's manager is preferred. If this is not possible, relaying messages via text or email is acceptable.

If an employee cannot notify their manager by phone themselves (e.g., due to hospitalisation, etc.) a relative may contact the manager directly or a text / email can be sent.

Employees should submit a Leave Request as soon as possible. The employee's direct manager or the CEO is to then authorise the Sick Leave.

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Employees are required to provide a medical certificate (or acceptable equivalent) for three (3) or more consecutive days of absence.

The ISJO has the right to require certification for any single day absences where ISJO believes it is required.

When an employee resumes duty after a prolonged absence due to illness or injury, full written clearance from a registered health practitioner may be required. The employee may also be required to see a registered health practitioner nominated by the ISJO.

Employees who fail to comply with these requirements and / or have exhausted their Sick Leave entitlement are not entitled to paid Sick Leave.

Excessive Sick Leave

Should absences become excessive without a clear and genuine reason, if a pattern of absence develops (e.g., being absent from work immediately before or after weekends etc.) or if an employee's attendance becomes unreliable, the ISJO's disciplinary procedures may be applied after counselling and / or an investigation takes place. In extreme circumstances, and after all other disciplinary procedures have been exhausted, termination of employment may be considered.

Except for absences relating to a work-related illness or injury, where an employee is on Sick Leave without pay for 3 (three) months or more (either in one period or cumulatively over many periods within a twelve month period) the employee's absence will no longer be considered temporary. The ISJO reserves its right to review the situation with the individual to assess progress to return to the workplace and, if necessary, any other steps that are appropriate to the circumstances.

4.3 Carer's Leave

Sick Leave entitlement can be used for Carer's Leave. Carer's Leave is time taken off work when an employee needs to provide care or support to an immediate family or household member due to illness or an emergency.

An immediate family or household member is defined as a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of an employee, or a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner, or anyone who lives with the employee.

This definition includes step-relations (e.g., step-parents and step-children) as well as adoptive relations.

Entitlements

Carer's Leave comes out of an employee's Sick Leave entitlement. All employees, other than casuals, are entitled to paid Sick Leave. Full-time employees are entitled to 15 (fifteen) days Sick Leave per annum which can be used for caring responsibilities.

Part-time employees have a pro rata entitlement according to the employee's ordinary hours of work (see table).

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| Number of days worked per week | Sick Leave entitlement per year (days) |
|--------------------------------|--|
| 1 | 3 |
| 2 | 6 |
| 3 | 9 |
| 4 | 12 |
| 5 | 15 |

Carer's Leave may be taken for part of a single day.

In normal circumstances, an employee must not take Carer's Leave where another person has taken leave to care for the same person.

Process for Providing Notice of Carer's Leave and Evidence Requirements

It is the employee's responsibility to let their manager know, as soon as possible, but definitely before the scheduled start of their workday, that they will not be able to work. They should also indicate how long they may be absent from work.

Notification via a phone call to the employee's manager is preferred. If this is not possible, relaying messages via text or email is acceptable.

If the employee cannot notify their manager by phone themselves (e.g., due to a caring emergency etc.) a relative may contact the manager directly or a text / email can be sent.

Employees must complete a Leave Request as soon as possible. Their direct manager or CEO / Executive Officer is to then authorise the Carer's Leave application for the absence.

The ISJO may require an employee to provide proof for the need to take Carer's Leave.

Employees who fail to comply with these requirements and / or have exhausted their Sick Leave entitlement are not entitled to paid Carer's Leave.

Unpaid Carer's Leave

All full-time, part-time and casual employees are entitled to two (2) days of unpaid Carer's Leave for each occasion when a member of the employee's immediate family or household requires care or support because of a personal illness, injury, or an unexpected emergency.

Where an employee wishes to utilise unpaid Carer's Leave for an occasion, it may be taken as:

- A single continuous period of up to two days, or
- Any separate periods negotiated by the employee and approved by ISJO.

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Excessive Carer's Leave

Should an employee be absent on Carer's Leave for over two (2) weeks in any single year of service, the ISJO and the employee shall discuss appropriate arrangements which, as far as reasonably practicable, consider both the requirements of the employee and the ISJO.

4.4 Bereavement Leave

Bereavement Leave is time off work granted due to the death of a person in an employee's immediate or extended family.

An immediate family member is defined as:

- A spouse, de facto partner, child, parent, sibling or grandchild of an employee, or
- a child, parent, sibling or grandchild of an employee's spouse or de facto partner, or
- any member of the employee's extended family living in the same household as the employee.

This definition includes step-relations (e.g., step-children) as well as adoptive relations.

An extended family member is defined as:

- a niece, nephew, uncle, aunt or grandfather of an employee's spouse or de facto partner, or
- a nephew, uncle, aunt or grandparent of an employee or the grandparent of an employee's spouse or de facto partner or the spouse or de-facto partner of the sibling of the employee; or the spouse or de-facto partner of the employee's child (e.g., son in law or daughter in law).

Entitlement

Full-time and part-time employees are entitled to:

- 4 days of paid Bereavement Leave when a member of their immediate family dies, or
- 2 days of paid Bereavement Leave when a member of their extended family dies.

Casual employees are entitled to unpaid Bereavement Leave, under the circumstances outlined above.

Process for Providing Notice of Bereavement Leave and Evidence Requirements

It is the employee's responsibility to let their manager know, as soon as possible, but definitely before the scheduled start of their workday, that they will not be available for work. They should also indicate how long they think they may be absent from work for.

Notification may be provided by phone call, text or email by either the employee or one of their relatives.

Employees must complete a Leave Request as soon as possible. Their direct manager or Chief Operations Officer/CEO / Executive Officer is to then authorise the Bereavement Leave application for the absence.

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Employees may be required to provide a medical certificate from a registered health practitioner or other form of sufficient evidence to support the requested Bereavement Leave.

4.5 Emergency Services Leave

Employees who have at least 12 months of continuous service with the ISJO are entitled to apply for Emergency Services Leave.

The purpose of this leave is to perform eligible community service activities such as a voluntary emergency management activity.

An employee engages in a voluntary emergency management activity only if:

- It involves dealing with an emergency or natural disaster
- It is on a voluntary basis
- They are a member of a recognised emergency management body e.g., State Emergency Service, NSW Rural Fire Service, or
- They were requested by or on behalf of the body to engage in the activity (or where no such request has been made, it would be reasonable to expect that, if the circumstances had permitted the making of such a request, it is likely that such a request would have been made).

Leave entitlement

For incidents that happen with the Illawarra Shoalhaven Region, full pay is paid for the entire period of interruption to an employee's working day. This will be Special Leave up to a maximum of 10 (ten) days per year.

If an employee uses up their paid Emergency Services paid Special Leave entitlement they are able to apply for additional unpaid Community Service Leave. There is no limit to this unpaid Community Service Leave.

Process for Requesting Emergency Services Leave and Evidence Requirements

Employees need to provide as much notice as possible when requesting Emergency Services Leave. They should also indicate the approximate length of absence and provide evidence, if requested, from the relevant Emergency Services agency.

It is the employee's responsibility to let their manager know, as soon as possible, but definitely before, the scheduled start of their workday, that they will not be available for work. They should also indicate how long they think they may be absent from work.

Notification via a phone call to the employee's manager is preferred otherwise relaying messages via text, email, social media or other methods is acceptable.

Employees must complete a Leave Request as soon as possible. Their direct manager or the CEO / Executive Officer is to then authorise the Emergency Services Leave application for the absence.

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Employees may be required to provide proof of participation in the voluntary emergency management activity to support the requested emergency services leave.

4.6 Jury Service Leave

Jury Service Leave is leave an employee takes when they are legally required to attend jury service, when they would otherwise be at work.

ISJO will pay the difference between the court payment for jury service and what the employee would have been paid had they been working.

Casual employees are not entitled to payment from ISJO for jury service.

Jury Service Leave does not cover employees who are required to attend court as a witness, litigant, plaintiff or defendant.

Process for Providing Notice of Jury Service Leave and Evidence Requirements

It is the employee's responsibility to let their manager know, as soon as possible, the date that they are required to attend for jury service. They should also indicate how long they think they may be absent from work.

Notification via a phone call to the employee's manager is preferred. Otherwise relaying messages via text, email, social media or other methods is acceptable.

Employees must complete a Leave Request selecting "**Other Paid Leave**" as soon as possible. Their direct manager or the CEO / Executive Officer is to then authorise the Jury Service Leave application for the absence.

Employees may be required to provide proof of attendance of jury service as well as evidence of payment received by the court.

4.7 Union Picnic Day

Full-time or part-time employees who are financial members of a Union that is party to the Local Government (State) Award will be entitled to a Picnic Day each year.

The Picnic Day is to be taken on a date of the employee's choice provided that the date chosen is mutually convenient for both ISJO and the employee.

Picnic Day may be taken in conjunction with other approved leave including Annual Leave and Long Service Leave.

Full time employees will be granted a full day of leave and part time employees will be given a pro-rata entitlement to Picnic Day depending on the hours they work.

Picnic Day must be taken in the calendar year in which it falls and does not accrue if not taken on or before 31 December.

Picnic Day will not be paid out on termination of employment.

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The Union is able to nominate a specific Picnic Day each year by giving ISJO notice of at least 3 (three) months.

Where the majority of ISJO employees are entitled to take leave for Picnic Day, non-Union members who are not required to work can apply for leave on that day.

Employees must complete a Leave Request selecting “**Other Paid Leave**” before commencing Picnic Day leave.

4.8 Family and Domestic Violence Leave

Family and domestic violence leave is leave taken when an employee is experiencing family and domestic violence

“Family and domestic violence” means violent, threatening or other abusive behaviour by a family member of an employee or another person living in the same household as the employee, that seeks to coerce or control the employee and that causes them harm or to be fearful.

“Family member” means:

- a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee, or
- a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee, or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.
- (b) A reference to a spouse or de facto partner in the definition of family member in subclause (i)(a) of this clause includes a former spouse or de facto partner.

Entitlement to paid leave

An employee, other than a casual employee, is entitled to up to 10 (ten) days of paid leave to deal with the impact of family and domestic violence as follows:

- the leave is available in full at the start of each 12 (twelve) month period of the employee’s employment, and
- the leave does not accumulate from year to year.

Casuals, whilst not eligible for paid leave under this clause, may make themselves unavailable for work without consequence to deal with the impact of family and domestic violence.

Taking paid leave

An employee may take paid leave to deal with family and domestic violence if the employee is experiencing family and domestic violence and requires flexibility to deal with the impact of the family and domestic violence.

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The reason(s) for which an employee may take leave include making arrangements for their safety or the safety of a family member (including relocation), attending urgent court hearings, or accessing police services.

Service and continuity

The time an employee is on paid leave to deal with family and domestic violence counts as service and does not break the employee's continuity of service.

Notice and evidence requirements

An employee must give their supervisor or the CEO / Executive Officer notice of the taking of leave by the employee under this provision of the Leave Policy and Procedure.

The notice must be given as soon as practicable (which may be a time after the leave has started) and must advise the period, or expected period, of the leave.

An employee who has given notice of the taking of leave under this provision must, if required by the ISJO, provide evidence that would satisfy a reasonable person that the leave is taken for the purpose specified within this policy provision.

Depending on the circumstances such evidence may include a document issued by police, a court or a family violence support service, or a statutory declaration.

4.9 Special Leave

ISJO may grant Special Leave that is either paid or unpaid, to an employee for a specific matter that has been approved by the CEO / Executive Officer. This special leave may cover, but is not limited to:

- Compassionate Leave
- Community Service Leave
- Australian Defence Force Leave
- Crown Witness Leave, and
- Health and Wellbeing Leave.

Process for Requesting Special Leave and Evidence Requirements

The employee should let their manager know, as soon as possible, that they are requesting Special Leave. They should also indicate how long they think they may be absent from work for.

Notification via a phone call to the employee's manager is preferred otherwise relaying messages via text, email, social media or other methods is acceptable.

Employees must complete a Leave Request selecting "**Other Paid Leave**" if agreed with the CEO / Executive Officer or "**Other Unpaid Leave**" as soon as possible.

The CEO / Executive Officer will then determine whether the Special Leave application is to be approved.

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4.10 Long Service Leave

Long Service Leave (LSL) is leave with pay that is given to employees by an employer (under relevant state legislation), after a set period of time for their employment services with that employer.

Entitlements

ISJO full-time, part-time and casual employees who have completed a continuous period of at least five years of service are entitled to the following periods of long service leave:

| Number of years worked | Total Long Service Leave entitlement |
|-----------------------------------|--------------------------------------|
| 5 | 6.5 weeks |
| 10 | 13 weeks |
| 15 | 19.5 weeks |
| 20 | 30.5 weeks |
| For every completed 5 years after | 11 weeks |

With ISJO's consent, long service leave can be taken by employees as:

- Full pay
- Half pay, or
- Double pay.

All prior continuous service, with less than 3 (three) months break in employment, with any Local Government employer within New South Wales will be deemed to be service with the employer by which the employee is currently employed.

Taking Long Service Leave

Long Service Leave is to be taken at a time that is mutually agreeable to the employee and ISJO within 5 (five) years of it falling due.

The ISJO may instruct an employee to take Long Service Leave not taken within 5 (five) years of falling due, if a mutually agreed time cannot be agreed. In this situation ISJO will provide notice of at least four weeks that the Long Service Leave is to be taken.

Long Service Leave can be taken in one continuous period of leave or, if the employee and ISJO agree, as follows:

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- Where the leave owing is two months – in two separate periods
- Where the leave owing is between two months and nineteen and one-half weeks – in two or three separate periods, or
- Where the leave exceeds nineteen and one-half weeks – in two, three or four separate periods.

Process for Requesting Long Service Leave

The employee should let their manager know with as much notice as possible, but no less than 4 (four) weeks prior that they intend to take Long Service Leave. The employee should also indicate how long they will be absent from work.

Notification should be done in person and followed up in writing.

Employees must complete a Leave Request selecting “**Long Service Leave**” before they go on leave. The CEO / Executive Officer is to then authorise the Long Service Leave request.

Cashing out Long Service Leave

The ISJO will consider any request for the cashing out of Long Service Leave in accordance with any statutory provisions and the content of the NSW Local Government Award as applying at the time of the request.

4.11 Parental Leave

Eligible employees are entitled to take up to 12 (twelve) months of unpaid Parental Leave from work after completing 12 months of continuous service with ISJO.

Parental Leave is only available to employees who have, or will have, responsibility for the care of a child. The leave must be associated with the birth of a child to the employee, the employee’s spouse or the employee’s de facto partner.

After returning from Parental Leave, an employee will return to the position they held immediately before the Parental Leave began. This does not include a job to which they were transferred into because of pregnancy.

If the job no longer exists and other suitable jobs are available, the employee will be transferred to an alternative position after consultation. Employees who cover those who are absent on Parental Leave must be advised that they are only covering the role on a temporary basis.

Entitlements

Permanent full-time and permanent part-time employees are entitled to 12 (twelve) months unpaid Parental Leave if they have completed 12 (twelve) months or more of continuous service prior to the expected birth, of the child.

For casual employees to be eligible for Parental Leave they need to have been working for ISJO on a regular and systematic basis for at least 12 months, and had it not been for the birth of a child, they would have a reasonable expectation of continuing work at ISJO on a regular and systematic basis.

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Based upon only 1 member of an employee couple (see definitions) taking leave the following applies:

- Leave must be taken in 1 continuous period
- Annual Leave may be taken at the same time
- For a pregnant employee the leave may start up to 6 (six) weeks before the expected date of birth, or earlier, by agreement with ISJO
- A pregnant employee may continue to work less than 6 (six) weeks before the expected date of birth but must provide a medical certificate stating they are fit to work, if requested
- At least 10 (ten) weeks (unless it is not possible to do so) written notice must be provided to ISJO, stating the employee's intention to take unpaid parental leave and specifying the intended start and end dates of the leave, and
- Re-confirmation of the intended start and end dates of parental leave at least 4 weeks before the intended start date.

Paid Parental Leave

Employees who qualify for the Paid Parental Leave Scheme provided by the Government ([Parental Leave Pay - Services Australia](#)) as primary or secondary claimants with 12 (twelve) months of continuous service are entitled to make-up pay.

Make-up pay is the difference between the Government's paid parental leave payments and an employee's ordinary pay. Make-up pay entitlements include:

- Employees qualify for it for as long as they receive the Government's Paid Parental Leave Scheme for up to a maximum of 18 (eighteen) weeks
- Employees requalify for it for as long as they return to work for at least 3 (three) months from any previous period of Parental Leave.

Employees who meet the eligibility criteria for paid Maternity Leave or paid Special Maternity Leave can receive 9 (nine) weeks full pay or 18 (eighteen) weeks half pay instead of make-up pay.

Provided the total amount of leave taken does not exceed 12 (twelve) months, employees may, instead of or in conjunction with Parental Leave, take any Annual or Long Service Leave to which they are entitled. Other periods of paid leave to which an employee is entitled (such as Sick Leave or Compassionate Leave) are not available during unpaid Parental Leave.

Process for Applying for Parental Leave

The employee should take the following steps:

- Obtain a doctor's certificate stating their name, confirmation of pregnancy and/or the expected date of birth of the child
- Complete a Leave Request selecting "**Parental Leave (unpaid)**" and stating the date that the Parental Leave is to commence and the intended date of return. The CEO / Executive Officer is to then to authorise the Parental Leave request, and
- Provide the medical certificate and leave request to their direct manager at least 10 weeks prior to the expected date of birth.

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Extending Unpaid Parental Leave

An employee taking 12 (twelve) months Parental Leave may request an extension of a further 12 (twelve) months leave, totaling 24 (twenty four) months – unless they are a member of an employee couple).

The request must be:

- In writing, and
- Must provide at least 4 (four) weeks before the end of the employee's initial period of Parental Leave.

ISJO will respond in writing within 21 (twenty one) days stating whether they grant or refuse the request. The request can only be refused if there are reasonable business grounds to do so.

Having another child

An employee who has been back at work for at least 3 months re-qualifies for Parental Leave make-up pay.

Special Maternity Leave

An eligible pregnant employee or delegate is eligible to take unpaid special maternity leave if they are not fit for work because of:

- A pregnancy related illness, or
- The pregnancy ends, not in the birth of a living child, within 28 (twenty eight) weeks of the expected date of birth.

The employee must notify their manager or the CEO / Executive Officer as soon as practical if they are taking unpaid special maternity leave and how long they expect to be on leave.

Evidence may be requested and the employee must tell their manager how long they expect to be on leave.

Consultation requirements on unpaid Parental Leave

Employees on unpaid Parental Leave will be kept informed of decisions by ISJO that will have a significant effect on the status, pay or location of the pre-parental leave position.

Employees on Parental Leave will have their performance reviewed for the period of work prior to Parental Leave and will be entitled to all pay increases as per the Local Government Award.

Keeping in touch days

The Fair Work Act makes provision for keeping in touch days. A keeping in touch day is when an employee performs work for ISJO on a day, or part of a day, while on a period of approved leave.

Such a day (or part of a day) will be considered a keeping in touch day if:

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- The purpose of performing work is to enable the employee to keep in touch with their employment (this will also assist when the employee returns to work once their leave has ended)
- Both the employee and ISJO consent to them performing specific work on that day
- If ISJO requests a keeping in touch day that is not within 42 (forty two) days of the date of birth or placement of the child to which the period of leave relates
- If the employee requests a keeping in touch day that is not within 14 (fourteen) days of the date of birth or placement of the child to which the period of leave relates, or
- The employee has not already performed 10 (ten) days of work during the period of leave that were keeping in touch days.

An employee who performs work on a keeping in touch day is entitled to payment for the work undertaken. A keeping in touch day will not break the single continuous period of unpaid Parental Leave under the NES (National Employment Standards).

Returning to work after Parental Leave

Flexible working arrangements

Employees have the right to request changes in working arrangements if they are a parent and have responsibility for a child of school age or younger.

Requests for changes in working arrangements must be:

- In writing, and
- Include details and the reasons the change is being requested.

ISJO will respond in writing within 21 (twenty one) days stating whether they grant or refuse the request. The request can only be refused if there are reasonable business grounds to do so.

Return to work guarantee

An employee returning from Parental Leave has the right to resume their previous position including contracted hours.

If, due to a restructure or due to organisational requirements the position is no longer required, the employee on Parental Leave will be advised. When they return from leave they will be placed in a position they are qualified for and capable of, nearest in status and salary to that of the former position.

Effect of Parental Leave on accrual of Leave

The period of Parental Leave does not break continuity of employment, but the Parental Leave period is not taken into account when calculating entitlements to Annual Leave, Personal/Carer's Leave or any other Leave.

Additional Information

ISJO's Parental Leave Policy is in accordance with the [National Employment Standards](#) (NES).

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Please refer to the NES for more in-depth information as well as specific information relating to:

- Stillbirth
- Infant death
- Transfer to a safe job, and
- No safe job leave.

Dad and Partner Leave

Entitlement

Dad and partners are defined as a spouse, de facto or partner (of either the opposite or same sex) who do not have primary responsibility for the care of child.

Employees are entitled to Dad and Partner Leave if they are permanent full-time or part-time employees that have completed at least 12 (twelve) months of continuous service prior to the expected birth or prior to the date of taking custody of the child.

Paid Dad and Partner Leave

Permanent full-time and part-time employees (on a pro rata basis), who are eligible for dad and partner leave are entitled to:

- Two weeks of paid (concurrent Parental) Leave from their accrued Sick Leave balance which should be taken within 4 weeks of the birth or placement of the child.

Paid Leave such as Annual or Long Service Leave can be combined with periods of Dad and Partner Leave.

Employees may choose to use the paid Dad and Partner Pay Scheme offered by the Government instead of paid concurrent leave however, there are certain criteria and restrictions that apply.

See <https://www.servicesaustralia.gov.au/dad-and-partner-pay> for further information.

Process for applying for Dad and Partner Leave

The employee should take the following steps:

- Provide a medical certificate or other evidence stating the spouse/partner's name, confirmation of pregnancy and the expected date of birth of the child
- Submit a leave request selecting "**Sick Leave**" stating the date that the Dad and Partner Leave is to commence and the intended date of return. The CEO / Executive Officer is to then to authorise the Parental Leave Request, and
- Provide the medical certificate and leave request to the manager at least 4 (four) weeks prior to the expected date of birth.

Unpaid Parental Leave for a Dad or Partner

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Eligible employees, who will have primary responsibility for the care of child, are entitled to up to 52 (fifty two) weeks unpaid leave starting from the date of birth of the child, or to start at any time within 12 (twelve) months after the birth or placement of the child.

Provided the total amount of leave taken does not exceed 12 (twelve) months employees may, instead of, or in conjunction with Parental Leave, take any Annual or Long Service Leave to which they are entitled. Other periods of paid leave to which an employee is entitled (such as Personal/Carer's or Compassionate Leave) are not available during unpaid Parental Leave.

Employees must confirm their intention to return to work at least 4 (four) weeks before the end of the Parental Leave.

Applying for Unpaid Parental Leave for a Dad or Partner

The employee should take the following steps:

- Provide a medical certificate or other evidence stating the spouse/partner's name, confirmation of pregnancy and the expected date of birth of the child
- Submit a leave request identifying "**Parental Leave Unpaid**", stating the date that the Parental Leave is to commence and the intended date of return. The CEO / Executive Officer is to then to authorise the Parental Leave request
- Provide the medical certificate and leave request to the manager at least 10 (ten) weeks prior to the expected date of birth, and
- State the Parental Leave is sought in order to become the primary care giver.

Employee couple where both parents will be sharing primary care responsibilities

An employee couple is where two employees, not necessarily employed by the same employer, are in a spousal or de facto relationship.

Each eligible member of an employee couple may take a separate period of up to 12 months of unpaid parental leave.

If the ISJO employee is a member of an employee couple, they are entitled to 12 months unpaid leave from the date of birth of the child or immediately after the first employee's Parental Leave finishes. The maximum allowance for unpaid Parental Leave in respect to an employee couple is 24 months.

Concurrent Leave

Both employees of an employee couple may take leave at the same time for a maximum period of 8 weeks. This leave must be taken within 12 months of the birth or adoption of a child. The concurrent leave may be taken in separate periods. Each period must be for at least 2 weeks, unless ISJO agrees to less.

Provided the total of leave does not exceed 12 (twelve) months, employees may, instead of, or in conjunction with Parental Leave, take any Annual or Long Service Leave to which they are entitled. Other periods of paid leave to which an employee is entitled (such as Personal/Carer's or Compassionate Leave) are not available during Parental Leave.

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Adoption Leave

Unpaid Pre-Adoption Leave

Employees (other than a casual who is entitled to unpaid Adoption Leave) are entitled to up to two days of paid Pre-Adoption Leave, per adoption, to attend any interviews or examinations required for the adoption of a child.

This leave may be taken as:

- A single continuous period of up to two days; or
- Any separate periods to which the employee and ISJO.

The employee must give their manager notice they are taking paid Pre-Adoption Leave and the expected duration as soon as possible (which may be after the leave has started) and, if required, provide relevant evidence.

Paid Adoption Leave

Employees (other than a casual) who have completed 12 months or more of continuous service prior to the date of taking custody of the child, are entitled to paid adoption leave as follows:

| Age of child at date of placement | Entitlement |
|--|---------------------------------------|
| Less than 5 years of age | 9 weeks full pay or 18 weeks half pay |
| Between 5 years of age and less than 16 years of age | 4 weeks full pay or 8 weeks half pay |

Paid Adoption Leave is not available if an employee receives Parental Leave make-up pay in connection with adopting a child.

Unpaid Adoption Leave

Employees who have completed 12 months or more of continuous service prior to the date of taking custody of the child are entitled to a total of 12 months unpaid Adoption Leave.

Provided the total of leave does not exceed 12 months, employees may, instead of, or in conjunction with Adoption Leave, take any Annual or Long Service Leave to which they are entitled. Other periods of paid leave to which an employee is entitled (such as Personal/Carer's or Compassionate Leave) are not available during Adoption Leave.

An employee must notify the manager no less than 4 weeks before the end of the Adoption Leave of their intention to return to work.

An employee is entitled to unpaid Adoption-related Leave if the child:

- Is, or will be, under 16 on the day of placement, or the expected day of placement; and
- Has not, or will not have, lived continuously with the employee for a period of 6 months or more as on the day of placement, or the expected day of placement; and

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- Is not (otherwise than because of the adoption) a child of the employee or the employee's spouse or de facto partner.

Applying for Unpaid Adoption Leave

The employee should take the following steps:

- Provide a statement from the adoption agency (or other approved body) detailing the expected date of placement;
- Submit a Leave Request via XeroMe selecting “**Parental Leave Unpaid**”, stating the date that the Adoption Leave is to commence and the intended date of return. The CEO / Executive Officer is to then to authorise the Adoption Leave request;
- Provide the statement from the adoption agency (or other approved body) and leave request to at least 10 weeks prior to the expected date of placement; and
- State the Adoption Leave is sought in order to become the primary care giver.

4.12 Time off in Lieu no longer being offered

Time off in Lieu (TOIL) has previously been offered to employees where they work overtime hours and in return are compensated via time off.

TOIL is no longer being offered by the ISJO. If an employee is required by their supervisor to work more than normal or out of normal business hours they will be paid overtime at the rate applying to the hours worked and at the time that they are worked.

Employees retaining a TOIL balance will be required to take those hours before transitioning to new Rostered Day Off (RDO arrangements (See the relevant section of this Policy and Procedure for RDO arrangements) is able to direct an employee to take their accrued TOIL, by giving 2 weeks' notice in the following circumstances:

- Where an employee has accumulated over 10 days of TOIL; or
- To cover up to 2 weeks of annual close down where an employee does not have enough Annual Leave available to cover the close down period.

Excess historically accrued Time in Lieu Balances

- Employees with a TOIL balance in excess of 10 days will be required to reduce the balance to a maximum of 10 days by 31 December each year.
- Employees who have not reduced their TOIL balance by 31 December each year will be paid out their TOIL balance to reduce it to the equivalent of 10 days on or after 31 January each year.

4.13 Study and Exam Leave

See ISJO's [Training and Development Policy](#).

4.14 Leave Without Pay

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Leave without pay can provide employees with flexibility to accommodate varied personal circumstances.

These circumstances may include, but are not limited to: family, medical, study and travel reasons or to undertake volunteer community-based work.

Leave without pay applications will not be considered for those employees whose primary purpose of taking leave without pay is to try some other form or place of employment.

Assessment and approval

Employees must be permanent and be continuously employed for a period of twelve months with ISJO immediately prior to commencing the period of leave without pay.

All leave without pay needs to be approved by the CEO.

The ISJO may, at its discretion, approve an employee's request to take leave without pay for a period of up to 12 (twelve) months in a single instance.

All leave without pay applications shall be assessed on a case by case basis. Consideration will be given to factors such as length of service of the employee, past performance of the employee, the impact of the leave on the ISJO and the reasons for the employee requesting leave.

Where an application for leave without pay is not approved, the employee will be provided with the reasons in writing.

Process for requesting Leave without Pay

Employees need to submit a leave request via currently approved Leave Application form stating the date the intended leave without pay will commence and when it will end. The reason for requesting leave without pay also needs to be included.

The CEO will then authorise or decline the leave without pay request.

To allow enough time to organise work schedules, please provide a minimum of 4 (four) weeks' notice, especially for periods of more than 1 (one) week of annual leave. Depending on circumstances, less notice may be permitted.

Effect of leave without pay on entitlements and superannuation

Employees must exhaust all entitlements to paid leave with the exception of Sick Leave prior to commencing the period of leave without pay.

The period of leave without pay will not break the continuity of service of the employee, but will not count for the purpose of:

- Accruing Annual Leave or Sick Leave and public holidays
- Accruing Long Service Leave, except in the case of employees who have completed at least 10 (ten) years' service (any period of absence without pay being excluded therefrom) in which case service will include any period without pay exceeding six months taken after 1 June 1980

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- The qualifying period for paid and unpaid Parental Leave, and
- The calculation of notice and severance pay.

Employees will be responsible for maintaining or suspending their own superannuation contributions and deductions for the period of unpaid leave.

ISJO will not make superannuation contributions on behalf of an employee while the employee is on leave without pay.

Where an employee in a defined benefit scheme applies for leave without pay, the leave without pay, will only be approved where the employee provides evidence to ISJO that the Local Government Superannuation Board has approved a cessation of their contributions during the period of leave without pay. However, the employee will still be responsible for meeting the basic benefit portion of ISJO's contribution and that shall be paid by the employee in a lump sum prior to commencing the leave without pay.

Leave without pay shall not be converted to Sick Leave should the employee suffer an illness or injury whilst on leave without pay.

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Appendices

Appendix A

| Leave Type | Leave Name | Allocated from |
|--|---|--|
| Annual Leave | Annual Leave | Annual Leave (paid – ISJO funded) |
| Sick Leave | • Sick Leave | Sick Leave (paid – ISJO funded) |
| Carers Leave | Sick Leave | Sick Leave (paid – ISJO funded) |
| Bereavement Leave | Bereavement Leave | Entitlement (paid – ISJO funded) |
| Emergency Service Leave | Sick Leave OR Other Unpaid Leave | 5 days annually from Sick Leave, if Sick and Carer's Leave doesn't fall below 3 weeks, otherwise unpaid |
| Jury Service Leave | Other Paid Leave | Entitlement (paid - Court pays partial and ISJO funds the difference) |
| Union Leave – Training Leave | Other Paid Leave | 5 days paid (Entitlement – ISJO funded) |
| Union Leave – Conference Leave | Other Paid Leave | Duration of Conference (paid - Entitlement – ISJO funded) |
| Union Picnic Day | Other Paid Leave | Entitlement (paid – ISJO funded) |
| Family and Domestic Violence Leave | Other Paid Leave | 3 days special P/A Entitlement (paid – ISJO funded). When this is exhausted Sick Leave, then Annual Leave, then unpaid |
| Special Leave – Compassionate Leave | Other Unpaid Leave or Other Paid Leave | At the discretion of CEO / Executive Officer |
| Special Leave – Community Service Leave | Other Unpaid Leave or Other Paid Leave | At the discretion of CEO / Executive Officer |
| Special Leave – Australian Defence Force Leave | Other Unpaid Leave or Other Paid Leave | At the discretion of CEO / Executive Officer |
| Special Leave – Crown Witness Leave | Other Unpaid Leave or Other Paid Leave | At the discretion of CEO / Executive Officer |
| Special Leave – Health and Wellbeing Leave | Sick Leave | At the discretion of CEO / Executive Officer – up to 2 days per year from Sick Leave |

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| Long Service Leave | Long Service Leave | Accrued and allocated as per the award and NSW LSL Legislation |
| Parental Leave (makeup pay) | Parental Leave Paid and/or Parental Leave Unpaid | Paid (maximum of 18 weeks - Government pays partial and ISJO funds the difference) |
| Special Maternity Leave | Other Unpaid Leave | Unpaid |
| Dad and Partner Leave | Sick Leave | Up to 2 weeks – Sick Leave |
| Adoption Leave | Parental Leave paid and/or Parental Leave unpaid | Paid (maximum of 9 full weeks (under 5), 4 weeks (5 -16) - Government pays partial and ISJO funds the difference) |
| Time In Lieu | Time In Lieu | Accrued |
| Study and Exam Leave | Other Unpaid Leave or Other Paid Leave | As per award - if paid, then ISJO funded |
| Leave Without Pay | Other Unpaid Leave | At the discretion of CEO / Executive Officer |

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