



## Staff Leave Policy

<b>Number:</b>	<b>Admin.PO8</b>
<b>Responsible Manager:</b>	<b>Executive Manager Human Resources</b>
<b>Head Policy:</b>	<b>N/A</b>
<b>Legislation:</b>	<b>N/A</b>

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### 1. Purpose

- 1.1. Kowanyama Aboriginal Shire Council (KASC) recognises that it is beneficial for staff to have reasonable breaks from the work environment to ensure the wellbeing and health of the staff member and to allow them to perform family, lifestyle and cultural responsibilities.
- 1.2. The Policy is not intended to override the terms of any award or contract that applies to an employee and must be read in conjunction with the Queensland Local Government Industry Award — State 2017
- 1.3. This Policy covers the following types of leave: annual, personal (sick/ carer's), bereavement, cultural, jury service, emergency service, family and domestic violence, long service and public holidays

### 2. Scope

- 2.1. This Policy applies to all KASC employees,

### 3. Definitions

- 3.1. "Immediate family" means:
  - a) a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or
  - b) a child, parent, grandparent, grandchild or sibling of a spouse of the employee.
- 3.2. "casual employee" includes a long term casual employee and short term casual employee.
- 3.3. "long term casual employee" means a casual employee who is engaged by KASC on a regular and systematic basis for several periods of employment during a period of at least 1 year immediately before the employee seeks access to a relevant leave entitlement.
- 3.4. "short term casual employee" means a casual employee other than a long term casual employee.
- 3.5. "Spouse" includes a former spouse, a de facto partner or a former de facto partner.
- 3.6. "Shift-worker" means an employee who is employed where shifts are worked 24 hours a day, 7 days a week and that employee works a rotating roster that includes each of the shifts.



3.7. “De facto partner” means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or difference sexes) and includes a former de facto partner of the employee.

3.8. “Child” includes an adopted child, stepchild, an ex-nuptial child and an adult child.

#### 4. **Annual Leave**

4.1. KASC provides annual leave in accordance with the Queensland Local Government Industry Award — State 2017 and the Queensland Industrial Relations Act 2016 (industrial instruments).

4.2. During probation, employees will not be entitled to take annual leave under this policy unless there are extenuating circumstances and any such leave request may only be approved by the CEO.

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

4.4. Annual leave is to be taken for a period agreed between the employee and KASC;

4.5. Where Annual Leave is taken as single days then a limit of five (5) single days per year will apply except in exceptional circumstances and approved in writing by the Chief Executive Officer or delegated officer.

4.6. If KASC and an employee cannot agree as to when an employee will take annual leave, KASC can decide when the employee is to take leave and will give the employee at least 14 days written notice of the start of the leave.

4.7. In addition to KASC directing an employee to take annual leave, employees can be directed to take annual leave in accordance with an industrial instrument that applies to them.

4.8. Without limiting KASC’s capacity to direct, employees may be directed to take annual leave where it is reasonable. This might include where the employee has accrued an excessive amount of paid annual leave over that specified under an industrial instrument (one week in excess of the annual accrual), or where KASC is being shut down for a period such as Christmas or New Year.

4.9. 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;

4.10. KASC may agree to allow an employee to take annual leave in advance of accrual date;

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

4.12. Unless an employee and KASC agree otherwise, KASC will pay an employee for their annual leave in as part of the normal pay cycle,

4.13. 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;

- 4.14. 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 1/2 percent when taking annual leave;
- 4.15. 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;
- 4.16. Casual employees, school-based apprentices and trainees have no entitlement to annual leave.

## **5. Personal Leave (Sick / Carers)**

- 5.1. KASC provides sick/carer's leave in accordance with the Act.
- 5.2. For each completed year of service with KASC, an employee (other than a casual employee) will, subject to their terms of employment and applicable Award, accrue paid sick leave.
- 5.3. An employee may use their accrued paid sick leave for personal illness or personal injury affecting the employee.
- 5.4. 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;
- 5.5. An employee can only use ten (10) 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.
- 5.6. 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 next level 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 KASC of the period of the absence;
  - d) If the absence is for 2 days or more, 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 KASC of the person requiring care and that person's relationship to the employee; and
  - f) If the reason for taking the leave is because an unexpected emergency has arisen, advise KASC of the nature of the emergency.



- 5.7. 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. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.
- 5.8. A long term casual employee is entitled to 10 days unpaid carer's leave for each year of service.
- 5.9. A long term casual employee may take further unpaid carer's leave if KASC agrees.
- 5.10. 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:
- When they are ill; or
  - Because an unexpected emergency arises; or
  - Because of the birth of a child.
- 5.11. A casual employee may take further unpaid carer's leave if KASC agrees.
- 5.12. In order to access an entitlement to unpaid sick /carer's leave, the relevant casual employee must:
- comply with any requirements in their award, agreement and contract;
  - inform KASC of the period of the absence;
- 5.13. If the absence is for 2 days or more,
- 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;
  - inform KASC of the person requiring care and that person's relationship to the employee; and
- 5.14. If the reason for taking the leave is because of an emergency, you must notify your Manager/Supervisor as soon as possible.
- 5.15. 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.
- 5.16. Cashing out sick/carer's leave
- Employees may only cash out sick/carer's leave in accordance with the award or certified agreement that applies to them. Cashing out sick/carer's leave will not be permitted if there is no provision in the award which expressly permits cashing out.
- 5.17. Payment for sick/carer's leave on termination
- Subject to the terms of any contract or award, any accrued but untaken sick/carer's leave will not be paid out on termination of employment.



#### 5.18. Working from home

- a) Working from home requests must be approved by an employee's manager in advance
- b) Employees working from home are expected to undertake their full duties and responsibilities as set out in their position description and must be fully contactable for the duration of their usual work hours.
- c) Employees who may be unwell or caring for family members but still keen to undertake some work duties should provide their manager an indication about the number of work hours they intend to carry out at home and provide a leave form for the remaining hours not worked
- d) Employees working from home are expected to have a work space available to them that meets the Work Place Health and Safety of council, and have suitable telephone and internet access.

### 6. **Bereavement Leave**

- 6.1. KASC provides bereavement leave in accordance with the Act.
- 6.2. 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.
- 6.3. 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.
- 6.4. An employee (other than a casual employee) may take further unpaid bereavement leave if KASC 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.
- 6.5. 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. In order to access an entitlement to bereavement leave, employees must as soon as practicable, inform the Supervisor or Manager of the following:
  - e) That the employee will be absent from work because of the death of an Immediate family member or household member;
  - f) The period of the absence including the requirement for additional time off for the purposes of travel; and
  - g) The name of the person who has died and that person's relationship to the employee.
  - h) An employee must also provide KASC with a copy of the funeral notice or such other evidence of the death that KASC requires to substantiate the fact that the leave is related to the death of an immediate family member or household member.





- i) As bereavement leave is an event based leave, it does not accrue and accordingly, will not be paid out on termination of employment.

#### 6.6. Casual Employees

- a) 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.
- b) 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.

#### 7. **Long Service Leave**

Long service leave will be granted to all employees in accordance with applicable long service leave legislation as varied from time to time.

#### 8. **Jury Service**

KASC provides Jury Service Leave in accordance with the Queensland Industrial Relations Act.

#### 9. **Emergency Services Leave**

KASC provides for employees attending to designated emergency services training and/or activities leave on full pay during ordinary hours exclusive of any overtime.

#### 10. **Domestic And Family Violence Leave**

KASC provides Domestic and Family Violence Leave in accordance with the Queensland Industrial Relations Act.

#### 11. **Cultural Leave**

- 11.1. 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.
- 11.2. If KASC agrees, an eligible employee may take up to 5 days unpaid cultural leave per year of service.
- 11.3. If an eligible employee wishes to apply for cultural leave, they should give KASC 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. Public Holidays**

- 12.1. KASC observes Queensland designated public holidays in addition to Local gazetted holidays.
- 12.2. 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.
- 12.3. Employees required to work on a public holiday will be paid penalty rates in accordance with the applicable Award.
- 12.4. The paid leave provisions of this section do not apply to casual employees, piece workers or employees who are rostered off on a public holiday.

## **13. Secondment**

- 13.1. Employees may request leave where an employee is seconded to another Local Government Council or business to enable them to increase skills relevant to their role and professional development. Consideration will be given to the impacts on the business unit and the relevance of the experience gained. A written letter must be provided with the leave application detailing the benefits of the secondment and be supported by the Line Manager and relevant Executive Manager. All applications must be directed to the Chief Executive Officer for consideration.

## **14. Extended Leave**

- 14.1. Where an employee wishes to apply for periods of extended leave, an explanation must accompany the Leave application and be supported by the Line Manager and Executive Manager. Consideration will be given to the effect on the Business Unit should leave be granted. All applications must be directed to the Chief Executive Officer for consideration.
- 14.2. Should approval be granted by the Chief Executive Officer, and the employee wishes to return early from the approved leave period, a request in writing must be made to the Chief Executive Officer prior to any return.

## **15. Leave Application Process**

- 15.1. Any employees who requests leave of a type specified by this Policy should submit a Leave Application Form 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. All documents should be given to the relevant Supervisor.
  - a) Employee completes a leave form prior to the leave taken and forwards it onto their Supervisor/Manager
  - b) Supervisor/Manager confirms adequate accruals and assesses the circumstance for leave to be taken and the business requirements affected by the leave.



- c) Supervisor/Manager discusses with staff member how the leave will be paid – (*if insufficient accruals*).
- d) Completed form and supporting documentation is approved by the authorised delegate.
- e) Payroll processes leave payments as per normal practices.
- f) Annual leave will be paid as normal fortnightly payments
- g) Lump sum payment of annual/ long service leave will only be made with approval of the CEO and only in cases where the staff member proves an urgent financial difficulty that payment fortnightly would exacerbate.
- h) Note all leave must have a completed leave form; failure to submit will result in non-payment of leave until a proper approved form (and medical certificate or other proof as applicable) is supplied.





## 16. Approvals

Position	Leave Type	Authorised Delegate	Documentation Required <u>All Positions</u>
Chief Executive Officer	<ul style="list-style-type: none"> <li>All leave</li> </ul>	Mayor	In addition to a completed Leave Application the following documentation is required: <ul style="list-style-type: none"> <li><u>Personal Leave</u> – 2 or more days: Medical Certificate</li> <li><u>Carers Leave</u> – 2 or more days: Medical Certificate</li> <li><u>Bereavement Leave</u> – evidence of passing e.g. Funeral Notice</li> <li><u>Jury Duty</u> – Copy of Jury notice</li> </ul>
Executive Managers	<ul style="list-style-type: none"> <li>All leave</li> </ul>	Chief Executive Officer	
Line Mangers	<ul style="list-style-type: none"> <li>Annual Leave</li> <li>Personal Leave including Carers leave</li> <li>Bereavement Leave</li> </ul>	Executive Manager	
	<ul style="list-style-type: none"> <li>Leave without pay greater than 2 days</li> <li>Cultural Leave</li> <li>Family and Domestic Violence Leave</li> <li>Emergency Services Leave</li> <li>Jury Duty</li> <li>Secondment</li> </ul>	Chief Executive Officer	
Staff	<ul style="list-style-type: none"> <li>Annual Leave</li> <li>Personal Leave including Carers leave</li> <li>Bereavement Leave</li> </ul>	Supervisor/Manager	
	<ul style="list-style-type: none"> <li>Leave Without Pay greater than 2 days</li> <li>Cultural Leave</li> <li>Family and Domestic Violence Leave</li> <li>Emergency Services Leave</li> <li>Jury Duty</li> <li>Secondment</li> </ul>	Chief Executive Officer	
<b>NOTE</b>	ALL STAFF <ul style="list-style-type: none"> <li>Requests for Annual Leave to paid in Advance to be approved by the Chief Executive Officer</li> <li>Requests to work from home whilst on leave to be approved by the Chief Executive Officer</li> </ul> <i>In the case of the Chief Executive Officer, the above requests to be approved by the Mayor</i>		



## 17. Policy Review

18. The policy is to be reviewed whenever legislation changes, OR every two years if no changes have been required to be enacted, OR at the direction of the Chief Executive Officer

## 19. Associated Documents

- Queensland Industrial Relations Act 2016
- Queensland Local Government Industry Award — State 2017
- Leave Application Form

## 20. Review

This policy is to remain in force until otherwise determined by Council.

## 21. Resolution

Adopted by Council on the 22 August 2018, commenced on 22 August 2018

## 22. Approval

This policy was duly authorised by Council as the Kowanyama Aboriginal Shire Council Staff Leave Policy and shall hereby supersede any previous policies of the same intent.

Chief Executive Officer, Fabian Williams

**Date**

22 August 2018