

Policy Document

LEAVE MANAGEMENT POLICY

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Classification:
Human Resources

Strategic Plan link:
Strategy 1.5.1 Develop and Implement Human Resource Strategy to address staff attraction, retention, succession planning, skills development and career progression

References and related Policies & Procedures:

Fair Work Act 1994
Fair Work Act 2009 (Cth) – relevant sections
Local Government Act 1999
Long Service Leave Act 1987
Long Service Leave Regulations 2017
South Australian Public Health Act 2011
State Records Act 1997
Work Health and Safety Act 2012
Work Health and Safety Regulations 2012
 Local Government Employees Award
 National Employment Standards
 South Australian Municipal Salaried Officers Award
 The District Council of Streaky Bay – AWU (Enterprise Bargaining) Agreement No 10 - 2020
 The District Council of Streaky Bay (Enterprise Bargaining) Agreement No 9 – 2020
 DCSB-HR-12.08 Employee Assistance Program Policy
 DCSB-HR-12.03 Equal Employment Opportunity Policy
 DCSB-HR-12.14 Flexi-time Policy
 DCSB-HS-12.08 Health, Wellbeing and Fit for Work Policy
 DCSB-HR-12.09 Performance Development and Planning Guideline

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1. Definitions

- 1.1 **Adoption Leave** – see Parental Leave
- 1.2 **Council** – means the District Council of Streaky Bay
- 1.3 **Child** – includes adult child, adopted child, step-child or ex nuptial child.
- 1.4 **Family and Domestic Violence** – is violent, threatening or other abusive behaviour by and employee's close relative (immediate family member) that: seeks to coerce or control the employee; or causes them harm or fear.
- 1.5 **Immediate Family** – includes spouse, child or adult child, parent, grandparent, grandchild or sibling of the employee or spouse of the employee.
- 1.6 **Indoor Employee** – employees subject to the South Australian Municipal Salaried Officers Award and The District Council of Streaky Bay (Enterprise Bargaining) Agreement No 8 – 2018
- 1.7 **Maternity Leave** – see Parental Leave
- 1.8 **Outdoor Employee** – employees subject to the Local Government Employee Award and The District Council of Streaky Bay – AWU (Enterprise Bargaining) Agreement No 9 – 2018
- 1.9 **Pandemic** – means a world-wide health emergency is declared by the Director General of the World Health Organisation.
- 1.10 **Parental Leave** – includes:
- Maternity leave
 - Paternity leave
 - Adoption leave
- as per the provisions of the employee's relevant Award.
- 1.11 **Special Leave (Public Health Emergency)** – means:
- a pandemic has been declared; and / or
 - a Public Health Emergency has been declared by the Premier of South Australia; and
 - the South Australian Public Health Emergency Plan has been enacted.
- 1.12 **Spouse** – includes former spouse, a defector spouse, or domestic partner.

2. Policy Statement

- 2.1 Council is committed to providing access to leave entitlements that are fair and equitable and adhere to legislative requirements.
- 2.2 Council will endeavour to manage employee leave entitlements to ensure the health, wellbeing and safety of employees are considered in the decision making process.

3. Overview

- 3.1 This policy prescribes the responsibilities for, and actions required to manage leave entitlements consistent with legislative, Award and Enterprise Bargaining Agreements (EBA).

4. Scope

- 4.1 This policy applies to all Council employees.

5. Principles

- 5.1 The Chief Executive Officer has authority to vary this policy in any specific instance if satisfied that exceptional circumstances exist.
- 5.2 All employees and management will have regard and consideration of Enterprise Bargaining Agreements (EBA), Awards, Fixed Term Contracts or other staff arrangements with regards to all leave.
- 5.3 Requests for leave under flexi-time arrangements are considered leave for the purposes of this policy and will be managed with consideration of the Flexi-time Policy.
- 5.4 In the event that this Policy conflicts with an Award, EBA or other formal agreement, the Award, EBA or agreement will prevail.
- 5.5 The Chief Executive Officer is responsible for ensuring a record of Long Service Leave, Sick Leave and Annual Leave liabilities for all employees.
- 5.6 An 'Application for Leave' form shall be submitted and approved prior to an employee taking leave where practicable. Leave forms are to be approved by the employee's Departmental Manager and, where applicable the Chief Executive Officer.
- 5.7 The effective management of staff leave requires employees to submit requests for leave no less than 60 days prior to taking leave, to allow appropriate consideration to be given by their Departmental Manager.
- 5.8 Departmental Managers will ensure they respond promptly to all reasonable requests for leave.

- 5.9 Departmental Managers will monitor annual and long service leave balances to ensure employee's record and take planned leave.
- 5.10 Departmental Managers should review annual leave balances and plans as part of the Performance Development and Planning process.

6. Annual Leave

- 6.1 Annual Leave is to be taken at a time mutually agreed between Council and the employee, subject to operational requirements.
- 6.2 All Annual Leave should be taken within 12 months of accrual.
- 6.3 In line with the Health, Wellbeing and Fit for Work Policy, employees are encouraged to take at least one extended period of at least two consecutive weeks Annual Leave during any 12 month period.
- 6.4 Payment in lieu of Annual Leave will not be granted to any employee except in exceptional circumstances. These requests may only be approved by the Chief Executive Officer.
- 6.5 No more than 30 days Annual Leave (6 weeks) entitlement – or part time equivalent – may be accrued at any one time by an employee without the approval of the Departmental Manager.
- 6.6 Where Council's operational needs prevent an employee from taking Annual Leave as requested, the Manager may negotiate or refuse the request.

Managing Excess Annual Leave

- 6.7 Should an employee's Annual Leave accrual exceed 30 days (6 weeks), the employee's Manager will notify the employee of their excess leave amounts. An example letter of Notification of Excess Leave is provided at [Appendix A](#). A notice period of 30 days shall be provided to allow the employee time to respond to the notification of excess Annual Leave.
- 6.8 If the employee has not responded to the Notice of Excess Annual Leave prior to the 30 day notice period, the Manager shall arrange to meet with the employee to seek agreement to take leave or to develop a plan to reduce the excess leave balance to below 30 days.
- 6.9 Where an agreement cannot be reached, the Manager will advise the employee in writing that a leave plan must be put in place or their leave dates will be directed by Council. [Appendix B](#) provides an example of a Notification of Leave Plan which may be used as a guide. A notice period of 14 days shall apply.

- 6.10 Where excess Annual Leave is not taken / agreed in accordance with 6.5, the Manager will direct the staff member to take Annual Leave using the Requirement to take Formal Advice of Leave letter attached at [Appendix C](#) as a guide.
- 6.11 Any excess Annual Leave balances must be returned to less than 30 days within the following 12 month period. (A calculator to assist with working out Annual Leave accruals and balances is included at [Appendix D](#). This document may be access through the Payroll Officer.)

7. Long Service Leave

- 7.1 Provisions for Long Services Leave (LSL), are covered in the *Long Services Leave Act 1987*. The Act entitles employees to thirteen weeks leave with pay after ten continuous years' service with an employer.
- 7.2 No more than 80 days (16 weeks) LSL entitlement may be accrued at any one time without the written approval of the Chief Executive Officer.
- 7.3 A cash reserve will be provided for each year of LSL entitlement accruing to an employee from the first anniversary of service.

Continuity of Service

- 7.4 Continuity of service is an important consideration when calculating LSL. There is portability (transfer of accruals) for Local Government employees who transfer between Local Government employers in South Australia.
- 7.5 Federal or State Government employer will often recognise service in Local Government, however there are no portability provisions and therefore Council is only required to provide the information / records of the employee as they relate to leave.
- 7.6 There are no portability provisions for employees joining Local Government from Federal or State Government employers.
- 7.7 There are no portability provisions between Local Government employers in other Australian States / Territories.

Payment in Lieu of Long Service Leave

- 7.8 Payment in lieu of taking LSL may only occur in accordance with the *Long Service Leave Act 1987*. Provisions are as follows:
- a) where an employee resigns after a minimum of seven (7) years (but less than ten (10)) completed continuous service they are entitled to the monetary equivalent of 1.3 weeks LSL leave in respect of each completed year of service;

- b) where an employee resigns after ten (10) years completed continuous service, they are entitled to the full completed years of service in monetary value at the date of resignation;
- c) where the employee has died; in which case their representative must request payment (Note: 7 year requirements as above will still apply);
- d) where an employee's service has been terminated after seven (7) years continuous service for reasons other than misconduct. Payment is as per 7.10 a) or 7.10b) above.

7.9 In accordance with the *Local Government Act 1999*:

- where an employee transfers to another Council, the leave is calculated in completed years and weeks, with payment made to the new Local Government employer at the salary / wage rate then applicable.

7.10 Payment in Lieu of LSL is only available after an employee has completed ten (10) years of continuous service. Approval for Payment in Lieu of LSL may only be approved by the Chief Executive Officer.

7.11 Where LSL is paid out as per 7.12, the approval process is recorded at 7.19 – 7.31 “Cashing Out Long Service Leave”.

[Accessing Long Service Leave](#)

7.12 In accordance with both Indoor and Outdoor EBAs:

- Council employees are able to take their LSL as leave on a pro-rata basis after seven (7) years of service

7.13 Employees are only able to access LSL after the completion of seven (7) years of service as per 7.13.

7.14 Other than in exceptional circumstances, and where no other form of paid leave is available or appropriate, the minimum period of LSL that may be taken at any one time is two (2) weeks.

7.15 Any applications for LSL must be taken in multiples of two (2) weeks.

7.16 Where the balance of LSL is less than two (2) weeks, or where taking a period of two weeks will leave the balance at less than two (2) weeks, leave must be taken as a one whole period.

Cashing Out Long Service Leave

- 7.17 Independent financial advice should be attained by an employee prior to requesting the cashing out of LSL as there may be significant tax implications associated with the transaction.
- 7.18 An employee's application to cash out LSL must be in writing, addressed to the Department Manager and clearly outline the reason(s) why they are seeking to cash out their LSL.
- 7.19 The employee and the Department Manager will discuss the reason(s) for the employee's request and ensure recognition of the need to balance the employee's financial needs with their welfare, particularly in respect to the health benefit of taking an extended work break, and the workload in the Department.
- 7.20 Application will normally be approved where:
 - 7.20.1 the aim is to reduce a substantial accrual of LSL;
 - 7.20.2 discussion as outline in point 7.20 has shown that cashing out is balanced against all other considerations.
- 7.21 Following the meeting between the Department Manager and the employee, the Department manager will consider the request and make their recommendation to the Chief Executive Officer. The Department Manager will advise the employee of their decision within thirty (30) days of receiving the request.
- 7.22 The number of days of accrual to be cashed out will be subject to negotiation between the employee and the Departmental Manager. A minimum payment will be fourteen (14) days and a maximum payment will represent 50% of the LSL accrual, rounded down to full weeks, whichever is the greater. Fifty percent (50%) of the accrual is to be preserved as leave.
- 7.23 Cashing out of LSL will only be approved on a once in two (2) years basis for each employee.
- 7.24 The delegation to approve the payment for cashing out LSL is with the Chief Executive Officer.
- 7.25 An agreement between the employee and Council will be formalised in writing by the completion of an Agreement to Cash Out Long Service Leave form ([Appendix E](#)). The form should contain a notification of payment and remaining entitlements, as provided for under the *Long Service Leave Regulations 2017* Form 3 of the *Long Service Act 1987*.
- 7.26 A copy of the "Agreement to Cash Out Long Service Leave" Form, signed by the employee, Department Manager, and Chief Executive Officer will

be provided to the employee. A copy shall be placed on the employee's personnel file, to be retained as per the *State Records Act 1997*.

- 7.27 Cashing out of LSL shall be made to employees who have met the provisions of Section 5(1) of the *Long Service Leave Act 1987* – i.e. they must have completed ten (10) years or more of continuous service. Approval cannot be given on a prorate basis – i.e. where an employee has completed less than ten (10) years of continuous service.
- 7.28 The hours of LSL being cashed out shall be deducted from the employee's accrual as per the details set out in the "Agreement to Cash Out Long Service Leave".
- 7.29 Payment will be made on the employee's current rate of pay, and will incur a taxation payment (which includes the Medicare Levy). The Australian Taxation officer requires tax instalments to be deducted from such payments.

Managing Excess Long Service Leave

- 7.30 Should an employee's LSL accrual exceed 80 days, the employee's Manager will notify the employee of their excess leave amounts. An example letter of Notification of Excess Leave is provided at [Appendix A](#). A notice period of 30 days shall be provided to allow the employee time to respond to the notification of excess LSL.
- 7.31 If the employee has not responded to the Notice of Excess LSL prior to the 30 day notice period, the supervisor shall arrange to meet with the employee to seek agreement to take leave or to develop a plan to reduce the excess leave balance to below 80 days.
- 7.32 Where an agreement cannot be reached, the supervisor will advise the employee in writing that a leave plan must be put in place or their leave dates will be directed by Council. [Appendix B](#) provides an example of a Notification of Leave Plan which may be used as a guide. A notice period of 14 days shall apply.
- 7.33 Where excess LSL is not taken / agreed in accordance with 7.34, the supervisor will direct the staff member to take LSL using the Requirement to take Formal Advice of Leave letter attached at [Appendix C](#) as a guide.
- 7.34 Any excess LSL balances must be returned to less than 80 days within the following 12 month period. A calculator to assist with working out LSL accruals and balances is included at [Appendix E](#). This document may be accessed through the Payroll Officer.

8. Reporting Annual and Long Service Leave Accruals

- 8.1 The Manager, Business and Administrative Services will extract leave reports annually and actively monitor leave balances through the payroll system.
- 8.2 Where leave balances exceed the 30 days Annual Leave or 80 days LSL, the Manager, Business and Administrative Services will alert the relevant Departmental Manager and the Chief Executive Officer so that a management plan may be enacted between the employee and their Departmental Manager as per the provisions noted above.

9. Personal Leave

- 9.1 Personal Leave is the leave accrued leave which includes Sick Leave, Parental Leave, and Family / Carers Leave.

10. Sick Leave

- 10.1 Sick Leave accruals are recorded as per the employee's relevant EBA and Award.
- 10.2 All Council employees, when required to take Sick Leave, must ensure proper advice of their absence, including an estimated duration of the absence, is given to their Departmental Manager or immediate supervisor as soon as reasonably practicable.
- 10.3 All Sick Leave absences of greater than two days shall require a medical certificate, statutory declaration or other reasonable evidence of incapacity to be submitted.
- 10.4 Where an employee is on approved Annual Leave and requires access to Sick Leave, they may forward a medical certificate, or other reasonable evidence to their Departmental Manager to request access to Sick Leave for the duration they would have been unfit to perform their normal duties. In this case the incapacity must be for a minimum of three working days. The Sick Leave may then be exchanged for the Annual Leave days, noting that any Leave Loading already paid to the employee may require reimbursement to Council.
- 10.5 Any Sick Leave that follows a weekend, public holiday, rostered day off, Annual Leave, LSL or other form of paid leave, must be accompanied by a medical certificate, statutory declaration or other reasonable evidence of incapacity.
- 10.6 Any Sick Leave that precedes a weekend, public holiday, rostered day off, Annual Leave, LSL or other form of paid leave, must be accompanied by a medical certificate, statutory declaration or other reasonable evidence of incapacity.

- 10.7 Subject to the provisions of the relevant EBA, the Departmental Manager may request evidence or presentation of a medical certificate to confirm an employee's incapacity to work on a given day, or series of given days.

11. Parental Leave

- 11.1 Parental Leave will be granted as per the provisions of the employee's relevant Award.
- 11.2 Parental leave does not apply to casual and seasonal workers.
- 11.3 Parental leave is available to all employees who have served twelve (12) months continuous service.
- 11.4 Employee are entitled to a maximum period of fifty two (52) weeks Parental Leave, which may be taken as leave without pay for the entire absence or the employee may access other forms of leave (i.e. Annual Leave of LSL) for some of the period of absence.
- 11.5 Where employees are a partnership (spousal or defacto) only one employee may claim Parental Leave as the primary carer at any one time.
- 11.6 It is advised employees seek advice regarding Paid Parental Leave through Centrelink.
- 11.7 Further Paid Parental Leave provisions shall be access as per the relevant Enterprise Bargaining Agreement.

12. Family Leave / Carers Leave

- 12.1 Council recognises that employees will from time to time have family responsibilities that will conflict with their work commitments.
- 12.2 Family / Carers Leave is available for the employee to enable them to provide required care to immediate family members.
- 12.3 Employees may access Family / Carers Leave as per the provisions of the relevant Award.
- 12.4 Where an absence for Family / Carers Leave precedes or follows a weekend, public holiday, rostered day off, Annual Leave or LSL, an employee's Departmental Manager may request reasonable evidence of the requirement to take leave.
- 12.5 A medical certificate or other reasonable evidence will be required to be produced where Family / Carers Leave exceeds three (3) or more full days.

- 12.6 Family / Carers Leave will normally be taken from Sick Leave balances in the first instance.
- 12.7 Where Sick Leave accruals have been exhausted the employee may choose to access other forms of leave in order as per the below:
- 12.7.1 Indoor employees are able to access flexi-time where there is a sufficient amount of flexi-time banked. Flexi-time may be accessed before utilising Sick Leave accruals where that is preferred by the Indoor employee;
 - 12.7.2 Annual Leave;
 - 12.7.3 Long Service Leave (where the employee has served a minimum of seven (7) continuous years as per clause 7.14. A minimum of two weeks will apply as per clause 7.16.
 - 12.7.4 Outdoor employees may be able to, through mutual agreement with their Departmental Manager, arrange to make-up time taken for Family / Carers leave where all other Leave options have been exhausted. A Departmental Manager may in this way approve an Outdoor employee to exchange the date of their normal rostered day off (RDO) for a Family/Carers Leave day, provided the exchange occurs within the same period the RDO would normally have been taken.
- 12.8 Any requests for unpaid leave in excess of five (5) days will require supporting documentation in the form of medical certification, a statutory declaration or other suitable evidence detailing the circumstances upon which the request for leave is based. Such applications will require the approval of the Departmental Manager.
- 12.9 Applications for unpaid leave in excess of four (4) weeks will require the approval of the Chief Executive Officer.

13. Special (Pandemic / Public Health Emergency) Leave

- 13.1 The purpose of Special (Pandemic / Public Health Emergency) Leave is to minimise the spread of a pandemic declared virus within Council's workforce and the community more generally, and to assist in ensuring the continuity of Council's services as provided by Council staff.
- 13.2 Leave described in this section (13) is only available to employees during a declared Pandemic and / or Public Health Emergency.
- 13.3 Each full-time employee shall be granted up to 114hours of Special (Pandemic / Public Health Emergency) Leave; part-time employees shall receive this leave on a pro-rata basis.

- 13.4 Once all Special (Pandemic / Public Health Emergency) Leave is used, no further leave of this type will become available, unless a further determination is made by the CEO.
- 13.5 The entitlement to Special (Pandemic / Public Health Emergency) Leave may be revoked by the CEO at any time.
- 13.6 The CEO will issue a “Special Leave Arrangements Directive – Employee Scenarios” (see [Appendix F](#) for arrangements related to Covid-19) according to the requirements of the particular disease, the subject of the Pandemic / Public Health Emergency declaration.

Special (Pandemic / Public Health Emergency) Leave is Paid Leave

- 13.7 Special (Pandemic / Public Health Emergency) Leave is paid at an employee’s full rate of pay for all ordinary hours which would otherwise have been worked during the period of leave (disregarding overtime).
- 13.8 No leave loading applies to Special (Pandemic / Public Health Emergency) Leave.
- 13.9 Special (Pandemic / Public Health Emergency) Leave is subject to taxation in the same way as any other paid leave.
- 13.10 Any unused Special (Pandemic / Public Health Emergency) Leave balance is not payable upon conclusion of employment.
- 13.11 Special (Pandemic / Public Health Emergency) Leave does not accrue and any balance will revert to zero at conclusion of the declaration of the Pandemic / Public Health Emergency event.

Absences which attract Special (Pandemic / Public Health Emergency) Leave

- 13.12 Each of the following circumstances attracts an entitlement to use Special (Pandemic / Public Health Emergency) Leave:
- 13.12.1 the employee is required to self-isolate in accordance with Government / SA Health directions or requirements and is not able to access Council’s working from home provisions during the self-isolation period. Note:
- Special (Pandemic / Public Health Emergency) Leave will only apply for the minimum duration of the required self-isolation period; and
 - an entitlement to Special (Pandemic / Public Health Emergency) Leave does not arise if the exception in clause (12.13) applies.
- 13.12.2 the employee is required to care for a member of their immediate family or household, and that member of their immediate family or household:
- is required to self-isolate in accordance with Government / SA Health directions or requirements; or

- is a dependent child who would otherwise be at school on that day but for a school closure directed by the Government as a result of the Pandemic / Public Health Emergency.
- 13.12.3 the employee has a medical condition which places that employee at risk of harm from the Pandemic / Public Health Emergency, and which is substantially above that faced by other adult members of the community, and the duties of the employee cannot be modified or performed from home so as to satisfactorily minimise the risk of contracting the disease, the result of the Pandemic / Public Health Emergency.
- 13.12.4 The employee is not able to perform their job due to a Government-directed shut down or lock down.
- 13.12.5 The employee is affected by any other circumstance which the CEO determines (such determination being at the CEO's absolute discretion on a case-by-case basis) as having a sufficient connection to the disease, the result of the Pandemic / Public Health Emergency declaration, so as to warrant access to Special (Pandemic / Public Health Emergency) Leave.
- 13.13 Unless the CEO determines otherwise (such determination being at the CEO's absolute discretion on a case-by-case basis), and employee is not entitled to Special (Pandemic / Public Health Emergency) Leave if:
 - 13.13.1 the employee has been diagnosed with the disease, the subject of the Pandemic / Public Health Emergency declaration. In these circumstances, the employee will be required to access normal Personal Leave provisions;
 - 13.13.2 the employee is required to self-isolate in accordance with a Government / SA Health direction or requirement which applies to returning travellers (including interstate and international travellers); and
 - 13.13.3 the relevant travel undertaken by the employee which has resulted in the need to self-isolate was non-work related travel; and
 - 13.13.4 the relevant travel undertaken by the employee commenced *after* the issuing of the Government direction or requirement described in clause 12.12.2
 - 13.13.5 the employee has failed to abide by any travel restrictions (including non-essential travel restrictions) as requested by the Government at any given time during the Pandemic / Public Health Emergency.
- 13.14 Once Special (Pandemic / Public Health Emergency) Leave is exhausted:
 - 13.14.1 if the employee is entitled to use personal leave (sick / carers) in accordance with ordinary rules applying to those entitlements, then personal leave will be used as appropriate;

- 13.14.2 if the employee is not entitled to use personal leave, or has not accrued personal leave, the employee and Council may agree to use other accrued paid leave entitlements (if available); or
- 13.14.3 if all other paid leave is exhausted the CEO may determine (such determination being at the CEO's absolute discretion on a case-by-case basis), to allow an employee to accrue a negative personal leave balance. Such accrual must be worked back by the employee once they are able to return to work. Should an employee leave Council's employment prior to earning back the negative accrual, that amount shall be removed from the employee's final payment.

Self Reporting and Evidence Requirements

13.15 An employee must report to Council if they:

- 13.15.1 are unwell and exhibiting symptoms of the disease, the subject of the Pandemic / Public Health Emergency declaration;
- 13.15.2 have been advised or directed to self-isolate or be tested for the disease, the subject of the Pandemic / Public Health Emergency declaration;
- 13.15.3 have been tested for the disease, the subject of the Pandemic / Public Health Emergency declaration and area awaiting the results;
- 13.15.4 have tested positive to the disease, the subject of the Pandemic / Public Health Emergency declaration; or
- 13.15.5 are being treated for the disease, the subject of the Pandemic / Public Health Emergency declaration.

13.16 A medical certificate will not be required for Special (Pandemic / Public Health Emergency) Leave unless expressly required by the CEO.

13.17 In instances where Special (Pandemic / Public Health Emergency) Leave is exhausted and the employee remains sick, normal sick leave provisions (including medical certificates) apply.

13.18 The CEO may still choose to require an employee to produce a medical certificate for a period of absence in appropriate circumstances, and may require medical clearance from the employee prior to their return to work.

Casual Employees

13.19 Special (Pandemic / Public Health Emergency) Leave is not available to casual employees.

Chief Executive Officer Discretion

13.20 These Special (Pandemic / Public Health Emergency) Leave provisions as outlined in clause 12, may be amended or revoked by the CEO to accommodate changed circumstances at any time.

14. Emergency Services Leave

- 14.1 Council supports the participation of employee in the Country Fire Service (CFS), State Emergency Service (SES) and South Australian Ambulance Service (SAAS), all of which provide valued community protection against loss of life and property.
- 14.2 The Chief Executive Officer is authorised to approve special leave with full pay for employee who participate in authorised activities at the time of genuine and substantial emergency or crisis during normal working hours. Approval will not normally be extended to casual or contract employees.
- 14.3 Employee who are members of the CFS, SES, or SAAS should advise their Departmental Manager or direct supervisor in advance, by telephone, if they are required to participate in CFS / SES / SAAS activity which could involve an absence from work.
- 14.4 Where employees involved in CFS, SES or SAAS are requested to attend Regional, State, Interstate or International emergencies, permission to attend must be gained from their Manager prior to accepting the deployment. Annual Leave or Long Service Leave may be required to be accessed in these instances.
- 14.5 Attendance at training, legislative requirements, incidents of minor, non-emergency nature would not normally qualify for approval. Leave without pay, Annual Leave, or RDOs would be accessed in such situations.
- 14.6 Leave applications for Clause 12.4 and 12.5 must be in writing and must be approved by an employee's Departmental Manager or supervisor, before being referred to the Payroll Officer.

15. Australian Defence Force Reserves Leave

- 15.1 Council supports the objectives of training members of the community for the purposes of maintaining adequate membership levels within the Australian Defence Force Reserves (ADFR).
- 15.2 Where a permanent employee of Council is a member of the ADFR and is required to attend compulsory training, they will be granted an initial induction period of training, followed by two (2) weeks leave of absence in subsequent twelve (12) month periods.
- 15.3 While Council may grant leave to an employee for ADFR Leave, make up pay of the amount between the employee's normal pay and that received from the Defence Force will not be made by Council.
- 15.4 Prior notice of the requirements to attend, and certification of attendance and completion of the training will be required.

- 15.5 All absences compulsorily required shall be counted as continuous service.

16. Bereavement Leave

- 16.1 An employee (other than a casual employee) is entitled to Bereavement Leave on the death of an immediate family member.
- 16.2 Upon giving reasonable notice of the requirement for Bereavement Leave, an employee is entitled to Bereavement Leave up to two (2) ordinary day up to and including the day of the funeral of the immediate family member.
- 16.3 This leave is provided without deduction of pay.
- 16.4 Where the Departmental manager believes the Award provisions are inadequate in particular circumstances, the Departmental Manager may grant up to five (5) days paid bereavement leave to an employee on the death of an immediate family member.
- 16.5 On the death of an employee, or an employee's spouse/partner or the child of an employee or an employee spouse/partner, colleagues of the employee may be permitted to attend the funeral without loss of pay, subject to the necessary operational requirements of Council.
- 16.6 Suitable evidence of the death must be provided by the employee if requested by Council.

17. Family and Domestic Violence Leave

- 17.1 All employees (including part-time and casual employees) are entitled to 5 days unpaid family and domestic violence leave each year as per the provisions of the National Employment Standards.
- 17.2 Other paid leave may be accessed by an employee in their response to family or domestic violence.
- 17.3 Employees experiencing or perpetrating family and domestic violence are encouraged to access the Employee Assistance Program.
- 17.4 To claim family and domestic violence the employee will need to approach either their Departmental Manager or the Chief Executive Officer to discuss the circumstances in which they need to access Family and Domestic Violence Leave and any other supports Council may be able to provide, including a request for flexible working arrangements as per the provisions of the *Fair Work Act 1994*.
- 17.5 Indoor employees may also be able to access their EBA's provision for Flexi-time and through the Flexi-time Policy.

18. Records Management

Records in relation to this document will be recorded as per the current General Disposal Schedule.

19. Review

This policy will be reviewed every four (4) years unless circumstances require earlier review.

20. History

Document History:	Version No:	Issue Date	Description of Change
	1.0	Unknown	New Policy
	2.0	20 September 2019	Complete Review of Document – significant changes
	2.1	18 September 2020	Update to include pandemic considerations

Appendix A – Notification of Excess Leave

<Date>

Private and Confidential

<Insert Employee's full name>

<Insert Employee's residential address>

Dear <Insert name>

Notification of Excess <Insert Annual or Long Service> Leave

As discussed on <insert date of verbal discussion regarding leave accrual> you currently have <insert amount of accrued annual or long service leave in weeks and days calculated at the date of this letter>.

As per the Leave Management Policy (attached) and <insert the relevant EBA> an employee may not accrue more than <30 day Annual Leave OR 80 days Long Service Leave>. You are therefore required to provide me with a plan to reduce your current accrual to the required level.

A leave calculator is available from the Payroll Officer to assist you to work out when you might be able to take leave to address the excess leave balance.

You have 30 days from the date of this letter to respond. Should you choose not to respond, I will meet with you after the 30 days is completed (or earlier should you wish) to develop a plan for you to reduce your excess leave balance.

Please contact me on telephone <insert telephone number> or email <insert email address> should you require further information.

Yours sincerely

<Insert Name>

<Insert Position>

Appendix B – Notification to of Leave Plan

<Date>

Private and Confidential

<Insert Employee's full name>

<Insert Employee's residential address>

Dear <Insert name>

Notification of <Insert Annual or Long Service> Leave Plan

As discussed on <insert date of verbal discussion regarding leave accrual> you currently have <insert amount of accrued annual or long service leave in weeks and days calculated at the date of this letter>. A letter of Notification of Excess Leave was sent on <insert date Notification of Excess Leave was sent>.

You were required to provide a plan to reduce your excess leave balance within 30 days of receipt of that notification. No response has been received by me as at <insert the date at which the 30days expired>.

As per the Leave Management Policy and <insert the relevant EBA> an employee may not accrue more than <30 day Annual Leave OR 80 days Long Service Leave>. I have therefore attached a copy of the leave plan I have prepared on your behalf.

You have 14 days from the date of this letter to respond should you not agree with this letter. Should you choose not to respond, I leave dates will be booked for you as per the plan attached to this letter.

Please contact me on telephone <insert telephone number> or email <insert email address> should you require further information.

Yours sincerely

<Insert Name>

<Insert Position>

Appendix C – Formal Advice of Leave

<Date>

Private and Confidential

<Insert Employee's full name>

<Insert Employee's residential address>

Dear <Insert name>

Formal Advice of <Insert Annual or Long Service> Leave

As discussed on <insert date of verbal discussion regarding leave accrual> you currently have <insert amount of accrued annual or long service leave in weeks and days calculated at the date of this letter>. A letter of Notification of Excess Leave was sent on <insert date Notification of Excess Leave was sent> and a letter of Notification of <insert type of leave> Plan was sent on <insert date the Notification of Leave Plan was sent> providing you with a plan to reduce your accrual to the required levels.

No response has been received. This letter is therefore notification that you must commence leave on <insert commencement date> until <insert last day of leave> as per the Plan (attached). The effect of this leave will be to reduce your <insert type of leave> Leave accrual from <insert current number of days> days to <insert number of days accrual on return from leave>.

Provisions have been made to cover your shifts according to operational requirements.

You are expected to ensure your <insert type of leave> Leave accrual balances remain under <insert maximum number of days allowed> days as per the Leave Management Policy. You will therefore need to consider further leave prior to <insert date when accrual will return to excess>.

Please contact me on telephone <insert telephone number> or email <insert email address> should you require further information.

Yours sincerely

<Insert Name>

<Insert Position>

Appendix D – Annual Leave Planner

Annual Leave Plan								
Employee Department								
Employee Name								
Employee Number								
Employee Signature								
Date								
Manager Signature								
Date								
Annual Leave Accrual		0.416438356						
Each day is to be recorded as 7.6hours (38/week) as per the provisions of the relevant Awards and Enterprise Bargaining Agreements.								
Fortnight Commencing	Annual Leave Accrual	Leave in Days	Leave to be taken in hours		Fortnight Commencing	Annual Leave Accrual	Leave in Days	Leave to be taken in hours
					29/06/1901	227.3753	29.92	
14/01/1900	5.830137	0.77			13/07/1901	233.2055	30.68	
28/01/1900	11.66027	1.53			27/07/1901	239.0356	31.45	
11/02/1900	17.49041	2.30			10/08/1901	244.8658	32.22	
25/02/1900	23.32055	3.07			24/08/1901	250.6959	32.99	
10/03/1900	29.15068	3.84			7/09/1901	256.526	33.75	
24/03/1900	34.98082	4.60			21/09/1901	262.3562	34.52	
7/04/1900	40.81096	5.37			5/10/1901	268.1863	35.29	
21/04/1900	46.6411	6.14			19/10/1901	274.0164	36.05	
5/05/1900	52.47123	6.90			2/11/1901	279.8466	36.82	
19/05/1900	58.30137	7.67			16/11/1901	285.6767	37.59	
2/06/1900	64.13151	8.44			30/11/1901	291.5068	38.36	
16/06/1900	69.96164	9.21			14/12/1901	297.337	39.12	
30/06/1900	75.79178	9.97			28/12/1901	303.1671	39.89	
14/07/1900	81.62192	10.74			11/01/1902	308.9973	40.66	
28/07/1900	87.45205	11.51			25/01/1902	314.8274	41.42	
11/08/1900	93.28219	12.27			8/02/1902	320.6575	42.19	
25/08/1900	99.11233	13.04			22/02/1902	326.4877	42.96	
8/09/1900	104.9425	13.81			8/03/1902	332.3178	43.73	
22/09/1900	110.7726	14.58			22/03/1902	338.1479	44.49	
6/10/1900	116.6027	15.34			5/04/1902	343.9781	45.26	
20/10/1900	122.4329	16.11			19/04/1902	349.8082	46.03	
3/11/1900	128.263	16.88			3/05/1902	355.6384	46.79	
17/11/1900	134.0932	17.64			17/05/1902	361.4685	47.56	
1/12/1900	139.9233	18.41			31/05/1902	367.2986	48.33	
15/12/1900	145.7534	19.18			14/06/1902	373.1288	49.10	
29/12/1900	151.5836	19.95			28/06/1902	378.9589	49.86	
12/01/1901	157.4137	20.71			12/07/1902	384.789	50.63	
26/01/1901	163.2438	21.48			26/07/1902	390.6192	51.40	
9/02/1901	169.074	22.25			9/08/1902	396.4493	52.16	
23/02/1901	174.9041	23.01			23/08/1902	402.2795	52.93	
9/03/1901	180.7342	23.78			6/09/1902	408.1096	53.70	
23/03/1901	186.5644	24.55			20/09/1902	413.9397	54.47	
6/04/1901	192.3945	25.32			4/10/1902	419.7699	55.23	
20/04/1901	198.2247	26.08			18/10/1902	425.6	56.00	
4/05/1901	204.0548	26.85			1/11/1902	431.4301	56.77	
18/05/1901	209.8849	27.62			15/11/1902	437.2603	57.53	
1/06/1901	215.7151	28.38			29/11/1902	443.0904	58.30	
15/06/1901	221.5452	29.15			13/12/1902	448.9205	59.07	

[Annual Leave Calculator.xlsx](#)

Appendix E – Long Service Leave Planner

Long Service Leave Plan								
Employee Department								
Employee Name								
Employee Number								
Employee Signature								
Date								
Manager Signature								
Date								
LSL Accrual		0.13						
<p><i>Both Awards relevant for the District Council of Streaky Bay provide the same provisions for Long Service Leave. An employee may take Pro-rata LSL after completing 7 years of service though this amount cannot be paid out. After completion of 10 years continuous service, and employee is entitled to 13 weeks LSL which may be either taken or cashed out as per the relevant Acts, Award, EBA and Council Policy.</i></p>								
Fortnight Commencing	LSL Accrual	LSL Days	Leave to be taken in hours		Fortnight Commencing	LSL Accrual	LSL Days	Leave to be taken in hours
					29/06/1901	70.98	9.34	
14/01/1900	1.82	0.24			13/07/1901	72.8	9.58	
28/01/1900	3.64	0.48			27/07/1901	74.62	9.82	
11/02/1900	5.46	0.72			10/08/1901	76.44	10.06	
25/02/1900	7.28	0.96			24/08/1901	78.26	10.30	
10/03/1900	9.1	1.20			7/09/1901	80.08	10.54	
24/03/1900	10.92	1.44			21/09/1901	81.9	10.78	
7/04/1900	12.74	1.68			5/10/1901	83.72	11.02	
21/04/1900	14.56	1.92			19/10/1901	85.54	11.26	
5/05/1900	16.38	2.16			2/11/1901	87.36	11.49	
19/05/1900	18.2	2.39			16/11/1901	89.18	11.73	
2/06/1900	20.02	2.63			30/11/1901	91	11.97	
16/06/1900	21.84	2.87			14/12/1901	92.82	12.21	
30/06/1900	23.66	3.11			28/12/1901	94.64	12.45	
14/07/1900	25.48	3.35			11/01/1902	96.46	12.69	
28/07/1900	27.3	3.59			25/01/1902	98.28	12.93	
11/08/1900	29.12	3.83			8/02/1902	100.1	13.17	
25/08/1900	30.94	4.07			22/02/1902	101.92	13.41	
8/09/1900	32.76	4.31			8/03/1902	103.74	13.65	
22/09/1900	34.58	4.55			22/03/1902	105.56	13.89	
6/10/1900	36.4	4.79			5/04/1902	107.38	14.13	
20/10/1900	38.22	5.03			19/04/1902	109.2	14.37	
3/11/1900	40.04	5.27			3/05/1902	111.02	14.61	
17/11/1900	41.86	5.51			17/05/1902	112.84	14.85	
1/12/1900	43.68	5.75			31/05/1902	114.66	15.09	
15/12/1900	45.5	5.99			14/06/1902	116.48	15.33	
29/12/1900	47.32	6.23			28/06/1902	118.3	15.57	
12/01/1901	49.14	6.47			12/07/1902	120.12	15.81	
26/01/1901	50.96	6.71			26/07/1902	121.94	16.04	
9/02/1901	52.78	6.94			9/08/1902	123.76	16.28	
23/02/1901	54.6	7.18			23/08/1902	125.58	16.52	
9/03/1901	56.42	7.42			6/09/1902	127.4	16.76	
23/03/1901	58.24	7.66			20/09/1902	129.22	17.00	
6/04/1901	60.06	7.90			4/10/1902	131.04	17.24	
20/04/1901	61.88	8.14			18/10/1902	132.86	17.48	
4/05/1901	63.7	8.38			1/11/1902	134.68	17.72	
18/05/1901	65.52	8.62			15/11/1902	136.5	17.96	
1/06/1901	67.34	8.86			29/11/1902	138.32	18.20	
15/06/1901	69.16	9.10			13/12/1902	140.14	18.44	

[Long Service Leave Calculator.xlsx](#)

Special Leave Arrangements Directive – Employee Scenarios

AS AT 30 MARCH 2020

The District Council Streaky Bay will allow employees to access Special (Pandemic / Public Health) Leave under the following conditions:

This Special Leave is allowed as a support for employees during the declaration of the Coronavirus Pandemic, while also reflecting the importance of retaining staff for the betterment of the organisation.

All other Leave may be accessed as per the Leave Management Policy.

Income Protection Insurance is accessible after 10 days. Council will assist affected employees to access this insurance in order to preserve accrued leave balances.

Scenario	Scenarios – description	Paid Leave / Self-Isolation	Leave Options (note special leave is pro-rata for part time staff)
A	Employee has returned from travelling – Overseas trip commenced pre- midnight 15 March 2020 or Interstate trip commenced prior to 22 March 2020	Paid Leave – Yes Mandatory Self-Isolation – 14 days	<ul style="list-style-type: none"> • Paid special leave for full-time and pro-rata special leave for part-time DCSB employees for the period of self-isolation after returning (maximum of 2 weeks) • Work from home if 'Working From Home' agreement has been allowed with DCSB
B	Employee has returned from travelling – Overseas trip commenced post-midnight 15 March 2020 or Interstate trip commenced after 22 March 2020	Paid Leave – No Mandatory Self-Isolation – 14 days	<ul style="list-style-type: none"> • Sick Leave • Annual Leave • Long Service Leave • Flexi-time • TOIL • Work from home if 'Working From Home' agreement has been allowed with DCSB • Negative accrual where all accrued leave is exhausted (where approved by the CEO)
C	Employee is unwell and meets the criteria for COVID-19 testing and is being tested	Paid Leave – Yes Mandatory Self-Isolation – until test result received	<ul style="list-style-type: none"> • Paid special leave for full-time and pro-rata for part-time DCSB employees until test results are known • If Special leave expended, accrued leave entitlements will be required to be accessed\
D	Employee is unwell but does not meet the criteria for COVID-19 testing	Paid Leave – No Remain at home until recovered	<ul style="list-style-type: none"> • Sick leave
E	Employee is diagnosed with COVID-19 (positive result)	Paid Leave – No Isolation will continue until the end of the mandatory self-isolation period and is fit to return to work.	<ul style="list-style-type: none"> • Sick Leave • Annual Leave • Long Service Leave • Flexi-time • TOIL • Negative accrual where all accrued leave is exhausted (where approved by the CEO)

F	Employee receives a negative result for COVID-19 after testing as a result of close contact with a person who has tested positive	<p>Paid Leave – Yes</p> <p>Mandatory Self-Isolation – 14 days</p>	<ul style="list-style-type: none"> • Paid special leave for full-time and pro-rata part-time DCSB employees for up to 2 weeks while self-isolated • If Special leave expended, accrued leave entitlements will be required to be accessed • Work from home if 'Working From Home' agreement has been allowed with DCSB
G	Employee shares a household with someone who is in voluntary isolation due to their own or requirements of their workplace to exercise precautionary measures	<p>Paid Leave – No</p>	<ul style="list-style-type: none"> • Employee expected to come to work if they are well themselves. • If the employee chooses not to come to work, they may access their usual leave entitlements subject to approval.
H	Where an employee has been in close contact with a fellow council employee who has been diagnosed with COVID-19 (positive result) (see close contact definition below)	<p>Paid Leave – Yes</p> <p>The employee who has had close contact with affected employee must self isolate for 14 days</p>	<ul style="list-style-type: none"> • Paid special leave for full-time and pro-rata for part-time DCSB employees for the period of self isolation • If Special leave expended, accrued leave entitlements will be required to be accessed • Work from home if 'Working From Home' agreement has been allowed with DCSB
I	Employee has had close contact/lives with a person (outside or inside the work place) who as per SA Health criteria is being tested for COVID-19 (see close contact definition below)	<p>Paid Leave – Yes</p> <p>Mandatory self- isolation until the person being tested receives their results</p> <p>If the person being tested for COVID-19 receives a negative result, the employee can return to work and practice social distancing.</p>	<ul style="list-style-type: none"> • Paid special leave for full-time and pro-rata for part-time DCSB employees until other person receives test results • Employee expected to return to work if other persons results are negative. • Work from home if 'Working From Home' agreement has been allowed with DCSB
J	Employee chooses to self-isolate when fit to be at work but is not required to self isolate under current Department of Health self isolation guidelines	<p>Paid Leave – No</p> <p>There is no requirement to self-isolate</p>	<ul style="list-style-type: none"> • Sick Leave • Annual Leave • Work from home if 'Working From Home' agreement has been allowed by DCSB • Long Service Leave • Unpaid leave • TOIL • Flexi-time
K	DCSB advises employee that they are not required at work due to the closure of a facility or service or a government direction	<p>Paid Leave – No</p> <p>No requirement to self isolate</p>	<ul style="list-style-type: none"> • Redeploy into other work at other sites where possible • Find other work in the closed facility if possible • Paid special leave for full-time and pro-rata for part-time DCSB employees as per Leave Management Policy • Work from home if 'Working From Home' agreement has been allowed with DCSB • If Special leave expended, accrued leave entitlements will be required to be accessed
L	The normal place of work is closed for a clean after a confirmed case	<p>Paid Leave – No</p> <p>No requirement to self isolate but Council will order people to remain clear of the building</p>	<ul style="list-style-type: none"> • Reallocate into other work at other sites where possible • Paid special leave for full-time and pro-rata for part-time DCSB employees as per Leave Management Policy • Work from home if 'Working From Home' agreement has been allowed with DCSB

M	Employee needs to be at home with child/children due to: <ul style="list-style-type: none"> • school closure • childcare closure • schools operating online with children based at home as school requires self-isolation of student/s due to their COVID19 school policy (not including the standard school holiday period) 	Paid Leave – No No requirement to self isolate	<ul style="list-style-type: none"> • Paid special leave for full-time and pro-rata for part-time DCSB employees as per the Leave Management Policy • Access to other forms of leave if the Special Leave is expended. • Work from home if 'Working From Home' agreement has been allowed with DCSB • Employees are expected to share caring responsibilities with partner/family/friends etc.
N	An employee has a medical condition which places them at a greater risk of harm than the general community	Paid Leave – No No requirement for self isolation	<ul style="list-style-type: none"> • Paid special leave for full-time and pro-rata for part-time DCSB employees as per the Leave Management Policy subject to evidence of medical condition • Access to sick leave, annual leave, long service leave if ongoing • Work from home if 'Working From Home' agreement has been allowed with DCSB
O	The employee lives in a household with an individual who is under mandatory self-isolation (the individual has received instructions from SA Health to self-isolate). The individual has no symptoms and is not being tested.	Paid Leave – No Employee required to practice social distancing unless they have developed symptoms	<ul style="list-style-type: none"> • Employee expected to attend work (in any form mutually agreed to) • Work from home if 'Working From Home' agreement has been allowed with DCSB • Assessed on a case-by-case basis (CEO to approve exemptions)

Note: Special (Pandemic / Public Health Emergency) Leave - eligible for one entitlement of Special (Pandemic / Public Health Emergency) Leave in the scenarios listed above for the duration of the current Coronavirus (COVID-19) pandemic.

Leave entitlements do not apply to Casuals

Definitions from the Department of Health:

- CI

ose

conta

ct

Close contact with a confirmed case means:

- A close contact is someone who has been face to face for at least 15 minutes, or been in the same closed space for at least 2 hours, with someone who has tested positive for the COVID-19 when that person was infectious.

This will likely mean staff working side by side, sharing meeting rooms, sharing close workspaces, or having had direct face to face contact (>15mins) with the infected individual.

Confirmation from SA Health will be sought specific to each individual work environment (if needed).

Social distancing

One way to slow the spread of the virus is social distance. Things you can do, and which are expected of staff in the work environment include:

- stay at home when you are unwell;
- avoid large public gatherings if not essential;
- keep a distance of 1.5m between you and other people whenever possible, especially for face to face conversations longer than 15 minutes (think about calling instead of meetings); and
- minimise physical contact, especially with people at higher risk, such as older people and people with existing health conditions. For example, avoid hand shaking, hugging etc.

Self-isolation

Should this be required, during the 14 days of isolation, you must stay at home or other declared place of self isolation and not go to public places including work, shops, school, childcare, university or public gatherings. Only people who usually live with you should be in the home, and they should exercise social distancing. Do not see visitors. Ask others who are not in isolation to get food and necessities for you.

Testing criteria

Your doctor will tell you if you should be tested. They will arrange for the test. You will only be tested if your doctor decides you meet the criteria:

- You have travelled overseas in the past 14 days AND have symptoms.
- You have travelled interstate in the past 7 days AND have new symptoms.
- You have been in contact with a confirmed case AND have symptoms.
- You are a healthcare worker with direct patient contact AND have a fever (≥ 37.5) AND an acute respiratory infection (e.g. shortness of breath, cough, sore throat)
- Any other criteria as determined by SA Health