

	<h1>District Council of Cleve</h1>	Version No:	2
		Issued:	June 2022
		Next Review:	June 2025

Policy Name: **Employee Leave Policy**

1 INTRODUCTION

The District Council of Cleve is required to maintain and monitor Council employees' leave entitlements to maintain the liability of leave provisions at an acceptable level. The policy's aim is to promote a healthy work environment for employees, by encouraging leave to be taken at appropriate intervals.

2 OBJECTIVES

The purpose of this policy is to clearly outline the guidelines for the accrual and usage of employee leave. This policy applies to all employees with the exception of casual employees.

For the purpose of this policy:

"Awards" refers to the Local Government Employees Award and the South Australian Municipal Salaried Officers Award.

"EB Agreements" refers to the Enterprise Bargaining Agreement No. 11 (ASU) of 2022 and also the Enterprise Bargaining Agreement No. 11 (AWU) of 2022.

This policy should be read in conjunction with the relevant legislation, awards, enterprise bargaining agreements and council policies.

3 POLICY

3.1 Sick Leave

As per the Awards sick leave is accrued by permanent employees over the length of their employment. This is accessed during times of medical need and/or supply of a Medical Certificate as outlined in the Award, or for personal need as outlined in the EB Agreements.

3.2 Sick Leave Incentive

As set out in the EB Agreements, sick leave can be cashed out in May of each year providing the following requirements are met:

- Providing employees have accrued a minimum of 152 hours of sick leave, and an employee has used none of their 76 hour entitlement in the preceding 12 month period, they shall be able to cash in up to 38 hours of their sick leave entitlement.
- Where an employee has accessed part of their 76 hour entitlement in the preceding 12 month period, the hours accessed will be deducted from 38 hours to determine the hours which may be cashed in.

The above requirements apply to part time employees on a pro-rata basis.

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Sick leave residual and accrued leave is not paid out on termination of employment. However, the credits are portable from Council to Council for Local Government employees as per the *Local Government Act 1999*.

3.3 Annual Leave

As per the Awards, after completion of 12 months continuous service, employees are entitled to 4 weeks of annual leave (or the pro-rata equivalent for part time employees) at the ordinary rate of pay per annum. The SynergySoft payroll module accrues employee leave entitlements on a fortnightly basis.

3.4 Maximum Accrual of Annual Leave

Annual leave is to be taken at a time mutually convenient to the employer and the employee within 12 months of the date of accrual. This means that the maximum annual leave entitlement should not exceed 300 hours.

To enable annual leave entitlements to be monitored, a quarterly leave balance report outlining all employees' leave entitlements will be provided to the relevant managers by the payroll officer.

Where it is proposed that an employee's annual leave entitlement will exceed the 300 hour limit, the employee will be required to meet with their relevant manager to advise of a plan of when they will take the leave. This is to be approved by the CEO.

3.5 Leave without pay

Employees may apply to take leave without pay, however, this request will only be approved if there is no other leave available for the employee to access.

3.6 Leave Entitlement Freeze

Employees who take leave without pay will not have any leave entitlements accrue for the period of leave taken.

Employees accessing income protection shall be considered to be on leave without pay and no leave entitlements will be accrue while absent. The period of time on income protection will not break service, but shall not count towards service.

Any application for unpaid leave must be forwarded to the CEO for approval.

3.7 Directing employees to take annual leave

Council may direct an employee to take a specified amount of annual leave at a prescribed time when:

- work arrangements dictate;
- there is an annual organisation close down; or
- the employee has accrued more than 300 hours of annual leave.

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Council must give the employee a minimum of 4 weeks' notice.

3.8 Transitory Arrangements for Annual Leave Balances

Council recognises that at the time of implementing this policy, some employees have annual leave entitlement balance in excess of 300 hours (including both entitled and pro-rata leave).

Accordingly, for only those employees with excessive annual leave entitlements the CEO, in consultation with the relevant supervisor and employee, will work out a plan outlining how the employee's leave entitlements will be reduced below the 300 hour maximum.

3.9 Long Service Leave

As per the *Long Service Leave Act 1987 (SA)*, an employee who has completed 10 years of service is entitled to 13 weeks long service leave. A further 1.3 weeks leave is granted for each completed year of service thereafter.

Part time and casual workers accrue their entitlements based on the ordinary hours worked per week.

A pro rata long service leave payment is made to an employee who leaves the Council after 7 years of service, but less than 10 years. The employee will be paid a for 1.3 weeks leave for each completed year of service.

Employees' entitlement to long service leave only arises when their service is continuous. Any period of annual leave, long service leave, paid or unpaid sick leave and workers compensation will count as service and not break continuity of service.

The continuity of service is also not affected by unpaid parental leave or any other unpaid absence, however, these breaks from work are not to be taken into account in calculating your period of service with the employer.

As per the Long Service Leave Act 1987, employees can negotiate with the Chief Executive Officer about how they take their long service leave. This could include the deferral of leave or taking leave in separate periods. In the absence of an agreement, the Chief Executive Officer shall grant long service leave:

- as soon as practicable after the worker becomes entitled to the leave, taking into consideration the needs of Council;
- in one continuous period; and/or
- with at least 60 days' notice to the employee of the date from which leave is to be taken.

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3.10 Cashing Out Long Service Leave

As per the Long Service leave Act 1987, employees can apply to the CEO to 'cash out' their long service leave in lieu of taking leave or part thereof.

3.11 Application for Leave

The Council recognises the importance to employees of the timing of taking leave. In order to maximise this, a Leave Form should be completed at least 2 weeks before the date of starting leave and be forwarded to the appropriate supervisor for approval. Staff will be informed of the outcome of their application as soon as possible.

Any application for unpaid leave must be forwarded to the CEO for approval after ensuring that no other leave entitlement is available for the employee to take.

3.12 Other Leave

Refer to the EB Agreements and Awards for more information on other types of leave employees are entitled to.

4 AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's offices during ordinary business hours and via the Council's website <http://www.cleve.sa.gov.au>. Electronic versions are the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

5 ADOPTION OF POLICY

This Policy was adopted by the Council at its Ordinary Council meeting on 14 June 2022.



David Penfold
Chief Executive Officer

6 DOCUMENT REVIEW

The Council may review this policy from time to time, however it is anticipated that a review of the policy will be under taken in June of every third year. Council has the right to review this policy at any time, if considered desirable.

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7 REVIEW HISTORY

Version	Issue Date	Author	Reason for Change
2	14/06/2022	M Quinn	Formatting Added availability of policy, adoption of policy, document review and review history sections.