



Croydon Shire Council

LEAVE POLICY

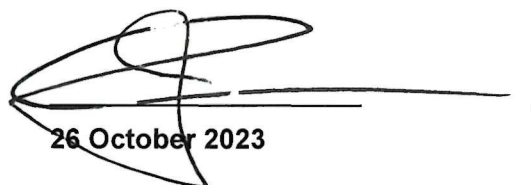
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Responsible Officer:

Business Services Manager

CEO Signature:

Date:



26 October 2023

Category (tick):

- ☒ **Policy** *Council resolution required*
☐ **Procedure** *CEO approval required*
☐ **Guideline** *CEO approval required*

Approval date	Head Policy #	Reference Number	Reason/Comment	Next review
26/10/2023	NA	POL STRAT 13	<ul style="list-style-type: none"> Convert Policy to new format. Update any changes due to Legislation or Workplace agreements. 	Oct 2025

1. Purpose

This policy is intended to provide a summary of entitlements with respect to paid and unpaid leave, for all Council employees, excluding domestic violence leave. This policy outlines the evidence requirements and process for applying and notifying when accessing leave.

2. Scope

This policy does not form part of any employee's contract of employment. The policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

This policy reflects the provisions of the *Industrial Relations Act 2016* (the Act) but does not override any more beneficial provision in an employee's contract of employment, including the Local Government Awards or employment contracts, as applicable.

This policy applies to all employees of Croydon Shire Council (Council).

3. Background

The policy seeks to define employee eligibility to leave entitlements including where Council sets entitlements above minimum Award/Industrial Relations requirements.

4. Legislation

Industrial Relations Act 2016

Local Government Act 2009

Local Government Regulation 2012

Queensland Local Government Industry (Stream A, B and C) Award – State 2017

5. Definitions

Immediate Family – includes the employees spouse; and a child, ex-nuptial child, stepchild, adopted child, foster child, ex-foster child, parent, grandparent, grandchild or sibling of the employee or employee's spouse.

Spouse - of an employee, includes a former spouse of the employee.

6. Policy

6.1 Annual Leave

6.1.1 General Entitlements

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

For each completed year of service, an employee subject to their hours and employment status, is entitled to accrue 5 weeks paid annual leave.

In calculating whether an employee has completed a year of service, Council will not take the following periods of time into account:

- A period of more than 3 months when the employee is absent without pay with Council approval; and

- A period when an employee is absent without pay without Council approval, unless the employee is absent for not more than 3 months because of illness or injury that is certified by a doctor.

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

Employees are entitled to receive an annual leave loading of 17½% which is payable when accessing paid annual leave, unless otherwise agreed. Leave loading will only be payable on the base annual leave entitlement, where employees are entitled to additional annual leave, as a result of special arrangements,(outside of contract agreements) such loading is not payable.

6.1.2 Applying and Taking Annual Leave - Paid and Unpaid

Annual leave is to be taken for a period agreed between the employee and Council. Employees are required to submit their application for annual leave to their direct supervisor 14 days, prior to the proposed commencement date of their annual leave. In determining whether the leave is to be approved Council will consider:

- Workloads during the period of leave;
- Number of other employees accessing leave at that time;
- Whether the leave is to be paid or unpaid leave.

Unpaid leave is strictly at Council discretion and will only be approved where all other accrued paid leave entitlements have been diminished.

If Council and an employee cannot agree as to when an employee will take paid annual leave, Council can decide when the employee is to take leave and will give the employee at least 8 weeks written notice of the start of the leave. An employee will be requested to take annual leave where the employee has accrued 10 weeks of paid annual leave, or where Council is being shut down for a period such as Christmas or New Year.(This is referred to as Annual close Down and 90 day's notice will be given by Council to employees)

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

6.1.3 Payment on Annual Leave

Annual leave will be paid at the employee's ordinary rate of pay. If immediately before taking the leave, the employee is being paid at a higher rate than their ordinary rate, then the annual leave will be paid at that higher rate.

Council must pay the employee for Annual Leave in advance (i.e., immediately before taking leave) unless Council and the employee agree otherwise (i.e., paid as part of normal pay cycles)

Employees may request that paid annual leave be accessed and paid in a different manner, for example by taking it at half pay. Approval of such arrangements is at the discretion of Council.

6.1.4 Cashing out Annual Leave

Subject to the following, Council and an employee may agree to the employee cashing out a particular amount of the employee's accrued annual leave entitlement:

- The employee must at all times retain a balance of at least 4 weeks;
- Each portion of leave cashed out must have a separate agreement in writing;
- The employee must be paid the full amount that would have been payable to the employee had the employee taken the annual leave that has been forgone.

Council will not approve cashing out of annual leave during a period where the employee is acting in a higher duties position and being paid at a higher duties rate.

6.2 Personal Leave

6.2.1 General Entitlements

Subject to additional entitlements provided under an award, certified agreement or contract, for each completed year of service with Council, an employee (other than a casual employee, piece workers or school-based apprentices or trainees) will accrue 10 days of paid sick leave. Such leave can also be used for caring purposes.

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

The personal leave detail above, accrues on the completion of each year of service according to the employee's ordinary hours of work and accumulates from year to year.

A short-term casual employee is entitled to leave work or be unavailable to attend work for up to 2 days (unpaid) for caring purposes.

Employees other than casual employees, who have exhausted their entitlement to paid carer's leave, may take up to an additional 2 days unpaid carer's leave on each occasion the employee needs to take leave. Employees may take further unpaid sick or carer's leave at Council discretion.

6.2.2 Requirements for Accessing Personal Leave

An employee may access their personal leave for personal illness or personal injury affecting the employee. The leave may also be accessed where the employee is required to provide care and support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because of a personal illness, or personal injury affecting the member, or an unexpected emergency affecting the immediate family/household member.

An employee can only use 10 days of paid personal leave as carer's leave per year of service, irrespective of the amount of personal leave the employee has accumulated. Variations to this condition will require the approval of the CEO prior to commencing.

6.2.3 Notice and Evidence Requirements

Where an employee is unable to attend work and pre-approved leave has not been obtained, it is expected that such employee notifies their supervisor or manager as soon as practical prior to commencement of their ordinary workday. It is expected that employees notify the supervisor or manager of their absence as follows:

- Personally, by telephone, text message or email is generally acceptable;
- Where their manager or supervisor is unavailable by telephone, a detailed message should be left covering:
 - Reasons for absence;
 - expected length of absence
 - hat type of leave the employee will be seeking to access, i.e., sick leave and
 - any other relevant information, such as how the employee may be contacted.
- In most situations, it is expected that notice should be provided at least 30 minutes prior to commencement of the employee's ordinary workday, to allow contingencies to be put in place.

If the period of absence is for more than 2 consecutive days, the employee must 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.

As soon as practicable, on return to work the employee will be required to complete the relevant leave forms and submit any required evidence to their supervisor or manager for approval.

6.2.4 Payment for Personal Leave

Paid personal 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. Unless otherwise specified in employee specific arrangements, this will not include payment for any allowance, loadings and/or penalties.

The payment will be processed as part of the employees usual fortnightly pay period pay, provided the employee has complied with the notice and evidence requirements within the applicable timeframes.

6.2.5 Portability of Personal Leave

The applicable Local Government Award may provide employees with an entitlement to preserve or transfer their accrued personal leave at another Local Government employer, in certain circumstances.

6.3 Bereavement and Compassionate Leave

6.3.1 General Entitlements

Employees (other than casual employees) are entitled to at least 2 days paid bereavement leave and casual employees are entitled to 2 days unpaid bereavement leave, on each occasion when:

- A member of the employee's immediate family or a member of their household dies; or
- The employee, or the employee's spouse is pregnant, and the pregnancy ends other than by the birth of a living child.

If an employee reasonably requires extra time to travel to and from the funeral or other ceremony associated with the death, the employee is entitled to an amount of unpaid bereavement leave equal to the time reasonably required for the travel.

An employee (other than a casual) is entitled to 2 days paid compassionate leave and casual employees are entitled to 2 days unpaid compassionate leave, on each occasion when a

member of the employee's immediate family or household:

- Contracts or develops a personal illness or injury that poses a serious threat to the person's life;
- Sustains a personal injury that poses a serious threat to the person's life.

An employee may take further unpaid bereavement or compassionate leave at Council discretion.

6.3.2 Notice and Evidence Requirements

For access to bereavement leave an employee must provide Council with a copy of the funeral notice or such other evidence of the death that Council requires to substantiate the fact that the leave is related to the death of an immediate family or household member.

For access to compassionate leave the employee must provide Council sufficient evidence to satisfy a reasonable person that the employee was taking compassionate leave because a member of the employee's family or household's life was threatened by personal illness or injury.

6.3.4 Payment for Bereavement and Compassionate Leave

Paid bereavement or compassionate 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. Unless otherwise specified in employee specific arrangements, this will not include payment for any allowance, loadings and/or penalties.

The payment will be processed as part of the employees usual fortnightly pay period pay provided the employee has complied with the notice and evidence requirements within the applicable timeframes.

6.4 Cultural Leave

6.4.1 General Entitlements

Cultural leave applies to an employee who is required by Aboriginal tradition or Island custom to attend an Aboriginal or Torres Strait Islander Ceremony.

1. The employee may take up to 5 days unpaid cultural leave in each year, if the employer agrees.
2. The employer must not unreasonably refuse the leave.
3. In considering the employee's request for leave, the employer must consider at least the following—
 - a. the employer's capacity to reorganise work arrangements to accommodate the employee's request;
 - b. the impact of the employee's absence on the delivery of customer service;
 - c. the particular circumstances of the employee;
 - d. the impact of a refusal on the employee, including the employee's ability to balance work and family responsibilities.
4. The employee must, if practicable, give the employer—
 - a. reasonable notice of the intention to take cultural leave before taking the leave; and
 - b. the reason for taking the leave; and
 - c. the period that the employee estimates the employee will be absent.
5. If it is not practicable for the employee to give the notice before taking the leave, the employee must give the employer notice of the matters in subsection(4)(b) and (c) at the first opportunity.

6. It is declared that leave provided under this section is a welfare measure for the purposes of the Anti-Discrimination Act 1991, section 104.

6.5 Parental Leave

6.5.1 General Requirements

Parental leave is provided for in Division 8 of the Queensland Employment Standards within the Industrial Relations Act 2016. It does not apply to short term casual employees, or seasonal workers or pieceworkers. In all claims or requests for parental leave Council will refer to the requirements of the Industrial Relations act 2016 and relevant Awards

6.5.2 Explanation of types of parental leave

1. The division provides for parental leave;
2. The types of parental leave are as follows:
 - a. Birth related leave, for –
 - i. An employee who is pregnant; or
 - ii. An employee whose spouse gives birth;
 - b. Adoption leave, for an employee who adopts a child;
 - c. Surrogacy leave, for an employee who is an intended parent under a surrogacy arrangement;
 - d. Cultural leave, for an employee who is a cultural parent under a cultural recognition order under the *Meriba Omsaker Kaziw Kaipa (Torres Strait Islander Traditional Child Rearing Practice) act 2020*.

6.6 Long Service Leave

6.6.1 General Entitlement

The Industrial Relations Act – 2016 – Division 9 and Queensland Local Government Industry Award provides a minimum entitlement to long service leave. Council will refer to the current versions of these documents at all times in relation to employees entitlements. Enquiries can be directed to Councils HR section.

6.6.2 Requirements for Accessing Long Service Leave

Long Service Leave is to be taken for a period agreed between the employee and Council, for not less than two weeks on each occasion. Employees are required to submit their application for long service leave to their direct supervisor 1 month prior to the proposed commencement date of their long service leave. In determining whether the leave is to be approved Council will consider:

- Workloads during the period of leave;
- Number of other employees accessing leave at that time;
- Whether the leave is to be paid or unpaid leave.

If Council and an employee cannot agree as to when an employee will take paid long service leave, Council can decide when the employee is to take leave and will give the employee at least 3 months written notice of the start of the leave. An employee may be requested to take long service leave where the employee has accrued an excessive amount of paid long service leave.

Long service leave is exclusive of a public holiday that falls during the period of leave.

6.6.3 Payment for Long Service Leave

Long service leave will be paid at the employee's ordinary rate of pay. If immediately before taking the leave, the employee is being paid at a higher rate than their ordinary rate, then the long service leave will be paid at that higher rate.

Council must not reduce an employee's usual rate of pay, immediately before an employee starts long service leave, with intent to avoid the Council's obligation.

Employees may request that paid long service leave be accessed and paid in a different manner, for example by taking it at half pay or double pay. Approval of such arrangements is at the discretion of Council.

6.6.4 Payment on Termination

An employee who has completed at least 7 years continuous service is entitled to a proportionate payment for long service leave on the termination of their employment. However, if the employee's service is terminated before the employee has completed 10 years continuous service, the employee is entitled to a proportionate payment only if:

- the employee's service is terminated because of the employee's death; or
- the employee terminates the service because of the employee's illness or incapacity; or
- a domestic or other pressing necessity; or
- the termination is because the employer:
 - dismisses the employee for a reason other than the employee's conduct, capacity or performance; or
 - unfairly dismisses the employee; or
 - the termination is because of the passing of time and:
- the employee had a reasonable expectation that the employment with the employer would continue until the employee had completed at least 10 years continuous service; and
- the employee was prepared to continue the employment with the employer.

6.6.5 Portability of Long Service Leave

Portability of long service leave entitlements for local government employees is provided for in Chapter 8, Part 3, Division 2 the *Local Government Regulation 2012*.

6.7 Time Off in Lieu (TOIL)

Employees employed under the Queensland Local Government Industry Award, directed to work overtime may seek approval for time off equivalent to the time worked either outside the spread of ordinary hours on any day or in excess of the ordinary weekly hours. Overtime may only be worked with the prior approval of the employee's direct supervisor.

Unless otherwise approved by the Chief Executive Officer, TOIL shall accumulate on an equivalent basis to the actual time worked and must be taken within 3 months of when the overtime was worked.

Where TOIL has not been taken within three months since the overtime was worked, Council may direct the employee to take the time off by the giving of not less than 5 days' notice. If accrued TOIL is not taken within four months the accrued time shall be paid out at the relevant overtime rate.

6.7.1 Applying and Taking Time Off in Lieu

TOIL is to be taken for a period agreed between the employee and Council. Employees are required to submit their application for TOIL to their direct supervisor 1 week, prior to the proposed commencement date of their leave. In the case of an emergency an employee may contact their direct supervisor and arrange to take this time off immediately.

The following conditions will apply:

- A maximum of 5 days may be banked.
- Any balance of TOIL accumulated must be used prior to taking leave without pay, annual leave or long service leave.
- Any balance of TOIL accumulated must be taken during the annual closedown period, over the Christmas/New Year break.

6.7.2 Payment of Time Off in Lieu

TOIL will be paid at the employee's ordinary rate of pay. If immediately before taking the leave, the employee is being paid at a higher rate than their ordinary rate, then the TOIL will be paid at that higher rate.

6.7.3 Application for Leave

Any employee requesting leave will be required to complete and submit to their supervisor a Council Leave Application Form. Employees will need to ensure that they have complied with the other relevant notice and evidence requirements outlined in this policy. Evidence should be attached to the Leave Form.

7. Related Documents

- Leave Application Form