

Leave Policy

Policy No:	HR-010
Adopted By:	Chief Executive Officer
Date Adopted:	14 January 2025
Review Date:	January 2028
Version No:	1
Responsible Officer:	HR Manager

Purpose

The purpose of this policy is to cover the following types of leave: annual, sick, carer's, bereavement, cultural, jury service and long service. It applies to all full-time, part-time and casual employees as detailed in the Policy.

Commencement of Policy

This Policy will commence on adoption by the CEO. It replaces all other Leave policies (whether written or not).

Application

This Policy applies to employees (including temporary employees) of Murweh Shire Council who apply for or take leave after adoption of this policy.

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 (QLD) (the Act)* but does not override any more beneficial provision in an employee's contract of employment.

Policy

Murweh Shire Council MSC provides annual leave in accordance with the Act.

Amount of leave

For each completed year of service, an employee who is not a shift-worker is, subject to their hours and employment status, entitled to accrue at least 5 weeks of paid annual leave.

For each completed year of service, an employee who is a shift-worker is, subject to their hours and employment status, entitled to accrue at least 5 weeks of paid annual leave.

In calculating whether an employee has completed a year of service, MSC 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 MSC's approval; and
- A period when an employee is absent without pay without MSC's approval unless the employee is absent for not more than 3 months because of illness or injury all of which is certified by a doctor.

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

If annual leave exceeds the maximum allowable amount, TOIL and RDOs cannot be banked until the annual leave balance is reduced to an acceptable level.

Leave Policy

Taking annual leave

Annual leave is to be taken for a period agreed between the employee and MSC.

Leave forms are to be submitting four (4) weeks in advance unless an employee and MSC agree otherwise.

If MSC and an employee cannot agree as to when an employee will take annual leave, MSC 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.

In addition to MSC 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.

Without limiting MSC'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, or where MSC is being shut down for a period such as Christmas or New Year.

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.

MSC may agree to allow an employee to take annual leave in advance of accrual.

Payment on annual leave

Unless an employee and MSC agree otherwise, MSC will pay an employee for their annual leave as per timesheet system fortnightly.

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.

Loading

Employees are also entitled to receive annual leave loading at the rate of 17½% when taking annual leave.

Payment of annual leave on termination

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.

Casual employees

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

Cashing out of 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.

Leave Policy

Sick / Carer's Leave

Murweh Shire Council provides sick/carer's leave in accordance with the Act and Queensland Local Government Industry Award 2015.

Subject to clause 6.3, for each completed year of service with MSC, an employee (other than a casual employee) will, subject to their hours and terms of employment, accrue 15 days of paid sick leave. Such leave accrues on the completion of each year of service according to the employee's ordinary hours of work and accumulates from year to year.

Transitional arrangements for higher sick leave entitlements apply to employees engaged in the Administrative, technical community service, supervisory and managerial group of the *Queensland Local Government Industry Award – 2017*.

Taking paid sick/carer's leave

An employee may use their accrued paid sick/carer's leave for personal illness or personal injury affecting the employee. This includes COVID 19. 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.

An employee can only use ten (10) days of sick leave as carer's leave per year of service, irrespective of the amount of sick leave the employee has accumulated.

Paid sick/carer's leave - notice and documentation requirements.

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 immediate supervisor or Council Office 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 MSC 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 MSC 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 MSC of the nature of the emergency.
- (g)

Payment for sick/carer's leave

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.

Payment for sick/carer's leave on termination

Subject to the terms of any other certified agreement or contract, any accrued but untaken sick/carer's leave will **not** be paid out on termination of employment.

Leave Policy

Unpaid Carer's Leave

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

A long-term casual employee may take further unpaid carer's leave if MSC agrees.

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:

- (a) When they are ill; or
- (b) Because an unexpected emergency arises; or
- (c) because of the birth of a child.

A casual employee may take further unpaid carer's leave if MSC agrees.

Unpaid sick/carer's leave - notice and documentation requirements

In order to access an entitlement to unpaid sick /carer's leave, the relevant casual employee must:

- (d) comply with any requirements in their award, agreement and contract;
- (e) inform the immediate supervisor or Council Office that the employee will be absent from work because of personal illness or injury or for carer's leave purposes before taking the leave;
- (f) inform MSC of the period of the absence;
- (g) 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;
- (h) inform MSC of the person requiring care and that person's relationship to the employee; and
- (i) if the reason for taking the leave is because an unexpected emergency has arisen, advise MSC of the nature of the emergency.

COVID 19 Or Pandemic

Murweh Shire Council's response to COVID-19 aligns with Queensland Health regulations at the time of the leave being taken.

Bereavement Leave

MSC provides bereavement leave in accordance with the Act.

Employees (other than casual employees) are entitled to at least **2 days' up to 500kms** or **3 days' over 500kms** paid bereavement Leave for each occasion when a member of the employee's Immediate Family or a member of their household dies.

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.

An employee (other than a casual employee) may take further unpaid bereavement leave if MSC agrees.

Payment for Bereavement Leave

Bereavement leave for employees other than casual employees will be at the employee's full pay for the employee's ordinary hours of work in the period.

The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

Leave Policy

Cashing out Bereavement leave

Bereavement leave cannot be cashed out.

Casual Employees

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. 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.

A casual employee may take further unpaid bereavement leave if MSC agrees.

Bereavement leave - notice and documentation requirements

In order to access an entitlement to bereavement leave, employees must as soon as practicable, inform the immediate supervisor of the following:

- (a) that the employee will be absent from work because of the death of an Immediate family member or household member;
- (b) the period of the absence including the requirement for additional time off for the purposes of travel; and
- (c) the name of the person who has died and that person's relationship to the employee.

An employee must also provide MSC with a copy of the funeral notice or such other evidence of the death that MSC requires to substantiate the fact that the leave is related to the death of an Immediate family member or household member.

No accumulation

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

Long Service Leave

Long service leave will be granted to all employees in accordance with the *Queensland Local Government Industry Award – 2015* and applicable long service leave legislation as varied from time to time.

Jury Service Leave

MSC provides Jury Service Leave in accordance with the Act.

Employees are entitled to be absent from work in order to perform jury service. Whether such leave will be with or without pay will depend on the industrial instruments that apply to the employee.

Requirements for Jury Service Leave

If an employee is required to attend for jury service, the employee:

- (d) is entitled to jury service leave;
- (e) must as soon as is practicable, inform MSC about the requirement to attend for jury service and the period the employee is required to perform jury service;
- (f) must give a copy of any document they have received regarding jury service to MSC;
- (g) is entitled to receive payment from MSC for the difference between the amount received as remuneration and allowances for the jury service and the ordinary rate of pay for ordinary hours of work the employee would have been paid for if they had not taken jury service leave;

Leave Policy

- (h) will be paid for the jury service leave on or before the first pay day that is practicable after the employee gives MSC the documentation relating to their requirement to attend for jury service;
- (i) must return to work for any hours in the day that they are not required for jury service.

Cultural Leave

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.

If MSC agrees, an eligible employee may take up to 5 days unpaid cultural leave per year of service.

If an eligible employee wishes to apply for cultural leave, they should give MSC:

- (j) before taking the leave, reasonable notice of the intention to take cultural leave;
- (k) details of the reason for taking the leave; and
- (l) details of the period that the employee estimates they will be absent.

Public Holidays

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.

If an employee who is bound by an instrument works on a public holiday, MSC will pay the employee for the greater of hours worked on the public holiday or 4 hours.

The paid leave provisions of this section do not apply to casual employees, or employees who are rostered off on a public holiday.

If a public holiday is not appointed for an annual agricultural, horticultural or industrial show in the district where the employee works, then MSC and relevant employees should agree on an ordinary working day that is to be treated as an additional public holiday (i.e., a show holiday).

Employees are only entitled to one (1) show day per calendar year. The Local Government Industry Award – 2015 also provides other arrangements for employees who do not ordinarily work Monday to Friday, whom are rostered off on a public holiday and for the substitution of public holidays.

Applications for Leave

Any employee who requests leave of a type specified by this Policy should submit a Leave Application Form and comply with the other relevant notice and documentation requirements outlined in this Policy. All documents should be given to the Payroll Officer.

ATTENDANCE & ABSENTEEISM & ABANDONMENT

Attendance to Work

Employees are expected to:

- Attend work according to their employment conditions.
- Perform their roles and responsibilities.
- Behave in line with the Council's Code of Conduct Policy

Regular attendance is essential to the efficient workflow and productivity of Murweh Shire Council. Unauthorised non-attendance may result in loss of pay for the actual time missed. The council may also require employees to make up any time lost due to unauthorised absences.

Leave Policy

Absence

Employees must:

- Comply with any applicable agreements, awards, or contracts related to attendance or absence.
- Notify their immediate supervisor or the Council Office as soon as reasonably practicable if they are absent, indicating the reason and extent of the anticipated absence. If the Council Office is contacted, they will notify the immediate supervisor.
- Regularly update their supervisor during absences extending more than one day to keep the Murweh Shire Council informed about the circumstances of the continuing absence.
- Notify their supervisor as soon as possible if they cannot return to work as scheduled.

Depending on the circumstances, the leave of absence may be approved, denied, paid, or unpaid. The Murweh Shire Council may require reasonable evidence to support the reason(s) for the absence, which must be supplied as soon as reasonably practicable.

Abandonment of Employment

- If an employee is absent from work for seven (7) days and reasonable steps to contact them have failed, the employee will be deemed to have abandoned their employment.
- A letter will be sent to the employee, advising them of their period of absence, the steps taken by the Council to contact them, and requesting that the employee explain their absence within three (3) business days.
- The letter will also inform the employee that failure to make contact within the designated period will result in the Council concluding that the employee has abandoned their employment, leading to termination of their employment.
- If the employee fails to contact the Council or return to their duties, their employment will be terminated, and accrued entitlements will be paid via electronic transfer to their nominated bank account.
- The employee will not be entitled to payment of notice in lieu.

Disciplinary Action

Disciplinary action will be facilitated by the Council's Disciplinary Action Policy.

Repeated late attendance or absence from work without a valid reason or without prior approval from your supervisor may result in disciplinary action, which may include termination of employment.

Audit and Review

This policy shall be reviewed every **three years** or as required due to changes to in legislation.

Definitions

Immediate family - A spouse, child, ex-nuptial child, stepchild, adopted child, ex-foster child, parent, grandparent, grandchild or sibling of the employee or employee's spouse.

Casual employee -Includes a long-term casual employee and short-term casual employee.

Long term casual employee - A casual employee who is engaged by MSC 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.

Short term casual employee -A casual employee other than a long-term casual employee.

Leave Policy

Spouse- A former spouse, a de facto partner or a former de facto partner.

Shift worker - An employee who is employed in a calling 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.

De facto partner- 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.

References

Example

- Local Government Act 2009
- Industrial Relations Act 2016 (QLD)
- Work Health & Safety Act 2011
- Queensland Employment Standards (QES)
- HR-003 Disciplinary Action Policy
- HR-024 Code of Conduct

Version Control

Version No.	Date	Approved	Amendment
1.0	dd/mm/yyyy	[officer name]	[brief description]

Approval

Chief Executive Officer		Bruce Scott	
Date:	14/01/2025	Signature:	