

Policy: LEAVE POLICY	
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1. Introduction

Policy Statement

This leave policy informs staff of ARA Property Services of their entitlement to leave and its application within ARA Property Services. This allows for employees to meet personal, family, work and community commitments without compromising the achievement of business objectives.

Scope

This policy applies to all employees (including permanent and fixed term) of ARA Property Services.

Responsibilities

Managers are responsible for:

- Managing requests for leave within the operational requirements of ARA Property Services.
- Planning and scheduling staff leave requirements in advance.
- Monitoring the use of leave in the relevant business unit at least quarterly.
- Ensuring all necessary documentation is completed and that leave is accurately recorded.

Employees are responsible for:

- Making written leave applications for approval with adequate notice.
- Providing evidence where required.
- Assisting management with planning and scheduling leave requirements in advance.
- Ensuring all necessary documentation is completed and that leave is accurately recorded.
- Seeking independent financial advice before making application to cash out annual leave.

2. Policy

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2.1 Annual Leave

Purpose

The intent of this annual leave policy is to inform employees of their entitlements and requirements regarding annual leave.

Entitlement

- Annual leave accrues progressively during a year of service according to the employee's ordinary hours of work.
- Full time employees are entitled to twenty (20) days for each period of twelve (12) months' continuous service.
- Part time employees accrue annual leave on a pro rata basis.
- Casual employees do not accrue annual entitlements.
- Annual leave does not accrue during periods of unpaid leave.

Accrual Limit

- Annual leave entitlement should be taken within the year of entitlement or as soon as possible thereafter.
- If an employee has accrued excessive amounts of annual leave, they may be directed to take some leave. ARA Property Services will provide at least 4 weeks' notice if an employee is required to take annual leave.
- Leave may be left accruing in excess if such leave is applied for and is approved by the Manager before the accrual exceeds 5 weeks (or pro rata).

Leave in advance

If an employee has not accrued sufficient annual leave they may with the approval of their manager take leave without pay or up to five days' paid leave in advance.

Leave Application

- Annual leave may be taken at times that are mutually agreed upon by the employee and their Manager. A minimum of four (4) weeks' notice should be provided in advance of an annual leave request.
- Managers will not unreasonably refuse a leave request, but will take into account all operational requirements before making a decision.
- Should a public holiday fall during a period of approved annual leave the public holiday will not be considered to be annual leave.

Sickness during Annual Leave

- If an employee is hospitalised or is ill during their annual leave, they may convert annual leave to sick leave if there is existing sick leave entitlement.
- A medical certificate from a medical practitioner must be produced to support any conversion to sick leave.

Payment for leave

- Annual leave is generally paid at the employee's base rate of pay for the employee's ordinary hours of work during the period of annual leave.

Cash Out

- Subject to the provisions of the Fair Work Act 2009 (as amended) and any applicable Award or Agreement, an employee may apply to "cash out" an amount of annual leave.
- Payment will be equal to the full amount that would have been payable had the employee taken the leave the employee has cashed out.
- Such requests may be made in writing to the Manager for approval by the Head of People and Corporate Services subject to the following conditions:
 - the employee must retain an entitlement to at least four (4) weeks paid annual leave
 - there must be a separate agreement in writing on each occasion

On Termination

- Accrued annual leave entitlement will be paid out at the employee's ordinary rate of pay.
- Where an employee has been granted leave in advance, in accordance with terms related herein, or an Award, and such employee leaves employment prior to the proper accrual date, the outstanding amount may be deducted from any outstanding entitlements.
- Where an employee is receiving a higher duties allowance at the time of termination, accrued annual leave entitlement will be paid out at the employee's substantive rate of pay; not including any higher duties allowance.

2.2 Personal and Carer's Leave

Purpose

Personal/Carer's leave is designed to enable staff to take leave needed to deal with a range of personal, health and other circumstances. Personal leave is an entitlement to paid and unpaid leave to be utilised at times of sickness or injury, convalescence, to attend medical appointments and leave to provide care and support to family or household members.

- Personal Leave (Sick Leave) is paid or unpaid absence from work because of illness or injury.
- Carer's Leave utilises accrued Personal leave entitlements to provide care and support to a member of the immediate family or the household due to personal illness, injury or unexpected emergency affecting that person.
- Unpaid Carer's Leave is applicable to an employee who does not accrue paid personal leave (a casual employee) or who has exhausted their individual accrual of paid leave.

Entitlement

- Full time employees are entitled to ten (10) days personal leave per annum.
- Part time employees are entitled to pro rata personal leave based on actual hours worked.
- Casual employees do not accrue paid personal leave but are entitled to utilise unpaid days off.
- An employee who has exhausted their entitlement may be granted leave without pay.
- Personal Leave does not accrue during periods of leave without pay.
- An employee who has exhausted their leave entitlement are entitled to two (2) days of unpaid carer's leave on each required occasion.

Notification

- If unable to attend work due to illness or injury or if required to provide care and support to another person, an employee must, as soon as reasonably practicable before the start of the work day, advise their manager/supervisor of the duration of the intended absence.
- Employees are required to initiate leave applications immediately upon return to work.
- If a staff member fails to make contact within a reasonable timeframe (normally one (1) day), the immediate manager will make arrangements to contact the staff member as set out in the abandonment of employment clause in the Termination Policy.

Long term illness

- In the event of a long-term illness, injury or medical condition, subject to approval and subject to the provision of a medical certificate to support such a long-term absence, an employee may elect to convert the period of the absence to half pay.
- Such an employee will be regarded as part time for the purposes of leave accruals and employer superannuation contributions, which will also reduce to 50%.

Medical Assessment

- It is appropriate for ARA Property Services to seek information about an employee's health, from their treating doctor and/or specialists when:
 - an employee has exhausted their Personal/Carer's leave entitlement

- an employee has been absent either for an extended period of time
- an employee is absent on a regular basis on sick leave
- ARA Property Services may have concerns regarding staff member's wellbeing
- In addition, ARA Property Services may require the employee to attend an independent medical assessment to ascertain their capacity to perform the inherent duties of their position.
- ARA Property Services will choose the medical practitioner to conduct the medical examination at the expense of the company.
- The employee will be given notice of not less than two (2) weeks, except in exceptional circumstances, that a medical assessment is required.

Workers Compensation and Sick Leave

An employee will not be entitled to sick leave for any period for which the employee is entitled to workers' compensation.

Public Holiday

- Employees, who utilise personal leave on the day before or the day after a public holiday, may be required to provide satisfactory evidence of the requirement to utilise leave.
- Should a public holiday fall during a period of approved personal leave the public holiday will not be considered to be personal leave.

Supporting Evidence

- All personal carer's leave must be accompanied by documentary evidence in the form of a medical certificate from a registered health practitioner to support the absence within 2 days of return to work.
- This evidence is required for any absences that total two or more consecutive days or after absence of more than five days in total in any one-year of service.
- If a staff member wishes to return to work during the period covered by a medical certificate, the staff member must obtain a certificate of clearance to work from a registered health or medical practitioner.
- ARA Property Services may contact the registered medical practitioner to seek verification of a medical certificate or to seek further information regarding the nature of an employee's symptoms. This will be done only with specific written permission from the employee to do so.
- If a medical certificate is not provided within the specified timeframe, the absence will be treated as leave without pay.

On termination

Personal leave is cumulative, but is not paid out upon the termination of employment.

2.3 Parental Leave

Purpose

The basic entitlement to unpaid Parental Leave is found in the National Employment Standards and contained in applicable Awards and Agreements as they apply to employees of ARA Property Services.

Entitlement

- All employees have an entitlement to 52 weeks of Parental Leave in respect of the birth or adoption of a child if they have 12 months continuous service with ARA Property Services and are the established primary care giver of the child.
- Paid leave such as annual and long service leave may be taken at the same time as the period of parental leave together in a single continuous period of leave up to a maximum of 52 weeks in total. It is expected that every effort to take annual leave before taking parental leave will be taken to ensure the annual leave balance remains below the maximum set out in the Annual Leave section of this policy.
- Parental leave applies to the person responsible for the care of a child. Only one parent can be the person responsible for the care of a child at any one time under this policy.
- Parental leave must be associated with the birth of a child to the employee, the employee's spouse or employee's de facto partner or the placement of a child under 16 with the employee for adoption.
- Casual employees are eligible for Parental Leave if they have been engaged on a regular and systematic basis over a period of at least 12 months, and but for the period of parental leave, would have a reasonable expectation of continuing employment on a regular and systematic basis.
- All employees are entitled to up to 2 days of pre adoption leave to attend interviews or examinations in relation to the adoption of a child. Employees may use annual leave in lieu of unpaid leave.
- In the case of a pregnant employee, leave can commence up to six weeks prior to the expected date of giving birth or earlier if the employer and employee agree.
- If the employee is not giving birth, leave starts at the date of the birth or placement of an adopted child.
- Leave may start at any time within 12 months after the birth or placement of the child if the employee has a spouse or de facto partner who is not an employee and the spouse or partner has responsibility for the care of the child.

Employee couple

- An 'employee couple' is where two employees are in a spousal or de facto relationship. An employee's de facto partner is defined as a person who, although not legally married to the employee, lives with them in a relationship as a couple on a genuine domestic basis. This also includes former de facto partners and same sex de facto relationships.
- Both partners in an employee couple are entitled to no more than 104 weeks of leave between them, which must be taken separately in a single continuous period. However, if only one person is taking leave, or one person wishes to take more than 52 weeks leave, the employee may request a further period of leave of up to 52 weeks.
- Both employees of an employee couple may take leave at the same time for a maximum period of 8 weeks.

Commencement of Parental Leave

- A pregnant employee who wants to work during the six weeks before the birth may be required to provide a medical certificate stating as to whether the employee is fit for work and if so, whether it is advisable for the employee to continue in their present position.
- ARA Property Services may require an employee to proceed on Parental Leave if the employee:
 - fails to provide a medical certificate as required above within 7 days
 - provides a certificate stating they are unfit for work
 - provides a certificate that they are fit, but it is inadvisable for them to continue in the position due to health risks
 - is not entitled to transfer to safe job or there is no safe job for them to be transferred to.
- A female employee who wants to go on parental leave earlier than 6 weeks before the birth due to pregnancy related illness is entitled to unpaid Special Maternity Leave and may use personal leave or accrued annual or long service leave (where other leave has exhausted) to cover this period until six (6) weeks prior to the expected date of birth, at which time paid parental leave will commence.
- Employees directed to take Parental Leave in the circumstances provided in this clause will remain on leave until their leave is due to start and this is deducted from their period of entitlement to Parental Leave.

Extending unpaid Parental Leave

- An employee taking 52 weeks parental leave may request an extension for a further 52 weeks leave and up to a total of 104 weeks, unless the employee was a member of an employee couple and the other member has already taken 52 weeks leave.
- A request to extend Parental Leave must be in writing and given to ARA Property Services at least 4 weeks prior to the end of the initial period of Parental Leave.
- ARA Property Services must respond to the employee request in writing within 21 days, stating whether the request is granted or refused. ARA Property Services can only refuse on reasonable business grounds and detail those reasons in writing.

Notification and Supporting Documentation

- The approval of such leave is subject to the receipt of a leave application form and appropriate documentation from the treating medical practitioner which the staff member is required to provide to their nominated supervisor/manager normally no later than ten (10) weeks prior to the proposed commencement of parental leave. This will include any requests for annual leave or long service leave in conjunction with parental leave.
- The employee is required to provide a medical certificate of the expected date of birth of the child or the day of expected placement of a child when advising ARA Property Services in accordance with this clause.
- The employee must, at least 4 weeks before the start of their leave, confirm the start and end dates and advise of any changes to these.
- Following receipt and approval of an application for parental leave, ARA Property Services will confirm in writing.

Unplanned cessation of leave

- An employee may elect to reduce or cancel their approved Parental Leave where:
 - the staff member's pregnancy does not continue to full term

- the staff member's adoption of a child does not proceed
- the pregnancy of a staff member's spouse does not continue to full term
- the child is still-born or dies after the leave has commenced
- In such instances, eligibility for personal leave or Special Maternity Leave replaces the parental leave. An employee is entitled to unpaid Special Maternity Leave if they are unfit for work due to pregnancy related illness or their pregnancy ends within 28 weeks of the expected date of birth.
- Where the employee gives notice cancelling leave after leave starts, they may return to work within 4 weeks of giving notice.
- ARA Property Services may require an employee to return to work on a specified day by giving not less than 6 weeks' notice to the employee.

Consultation while on Leave

- Where practicable, employees on Parental Leave are entitled to be kept informed of significant changes that will have a lasting effect on their pre parental leave position.
- An employee is entitled to return to work immediately following their Parental Leave to their pre-parental leave position or if that no longer exists an available position for which they are qualified and suited which is nearest in status and pay to their pre-parental leave position.
- An employee on Parental Leave can perform work for ARA under keeping in touch days, which are designed to enable the employee to keep in touch with their employment.
 - This is limited to maximum of 10 days.
 - This does not break the continuity of the single period of Parental Leave.
 - This requires consent from both ARA and the employee.
 - This cannot be within 42 days of the birth of or placement of the child if requested by ARA.
 - This cannot be within 14 days of the birth of or placement of the child if requested by the employee.
 - This will be paid employment at the employee's normal contracted rate of pay.

Parental Leave replacement

Employees on parental leave relief contracts are required to be notified:

- Their engagement is temporary.
- The employee on leave has a guarantee to return to their pre parental leave position.
- Rights of the employee where they cease to have responsibility for the care of the child.

Fixed term employees

- An employee who is employed on a fixed-term contract which expires during a period of parental leave will not be eligible for further leave after the date of expiry of the contract unless they are re-employed on a continuing basis or on a further fixed-term contract.
- The provision of such leave will not be grounds for the termination of an appointment or for a refusal by ARA Property Services to offer re-employment, except where there could not have been a reasonable expectation of further work.

2.4 Long Service Leave

Statement

Most employees' entitlement to long service leave comes from long service leave laws in each state or territory. An employee currently employed under a workplace agreement will retain the long-service leave entitlement (if any) in that agreement while it remains in operation.

Under the NES, an employee's long service leave entitlement in a pre-modernised award will apply unless:

- a workplace agreement applies
- another specified instrument that deals with the matter of long service leave applies

Entitlement

- Entitlement does not accrue during leave without pay greater than two (2) weeks even though the employee is still formally an employee of ARA and there is continuity of service.
- The minimum period of Long Service Leave which may be taken is one (1) week in all states with the exception of VIC where it is one (1) day.
- Managers will not unreasonably refuse a long service leave request, but will take into account the operational requirements of the business unit.
- Employees are required to provide a minimum of six (6) weeks' notice of their intention to proceed on Long Service Leave on a leave application form. In certain circumstances, ARA Property Services may require employees to take their available long service leave by giving no less than four (4) weeks' notice, unless a greater period is required under the State or Territory legislation and if so an employee must take that leave as soon as practicable.

Illness while on LSL

- Employees who are ill while on long service leave may have long service leave re-credited for the period of illness, subject to the provision of a medical certificate or statutory declaration to cover the period. The period of illness will be deducted from the employees personal / carers leave balance.

Payment for LSL

- When on long service leave, employees will be paid at the ordinary base rate of pay. This does not include any separate entitlements, such as incentive-based payments and bonuses, loadings or monetary allowances.
- Long Service Leave may either be paid in advance, or paid on the normal pay days during the period of leave being taken, or in full upon termination. An employee may elect to receive half pay for double the period of accrued leave.
- Part-time employees are paid long service leave at their ordinary rate, pro-rated to reflect the actual period of service. This will give an average of the weekly hours worked each year over the period of service as a part-time employee.
- For employees who have accrued long service leave from a combination of full time and part time periods of service, any long service leave accrued will be paid on the basis of current working hours.
- LSL for Cleaners in some states is paid into the relevant LSL Corporation fund which pays out the leave when it is due.

Cashing out of long service leave

- Written applications will be approved based on the relevant State and Territory permissions under the current legislation.

2.5 Compassionate Leave

Statement

The basic entitlement to Compassionate Leave is found in the National Employment Standards and contained in applicable Awards and Agreements as they apply to employees of ARA Property Services.

Entitlement

- An employee is entitled, on the production of satisfactory evidence, to two days of paid Compassionate Leave on each occasion when a member of the employee's immediate family or household dies or suffers a life threatening injury or illness.
- Additional unpaid leave may be approved in certain circumstances, e.g. the employee needs to travel overseas to attend the funeral.
- A casual employee is entitled to two days unpaid leave on each occasion when a member of the employee's immediate family or household contracts a personal injury or illness that poses serious threat to his/her life, or dies.

Documentation

- Employees are required to submit a Leave application to their Manager prior to leave being taken, wherever possible.
- Where supporting documentation (death/funeral notice) is required for a leave application, this is to be attached to the application form prior to authorisation by the appropriate manager/supervisor.

Payment for leave

- Payment for leave is based on the employee's usual base rate of pay (excluding shift allowance).
- This leave may not be claimed by an employee while on a period of annual or LSL.

2.6 Leave Without Pay

Statement

In special circumstances, leave without pay may be granted to employees who have, or will, exhaust their accrued entitlements over a planned period of absence.

Application and Approval

- Applications for leave without pay for less than 5 days may be approved by the direct Manager.
- Applications in excess of 5 days require approval from the manager's Manager.
- Leave without pay for a period greater than 2 weeks is not counted as continuous service for the purpose of leave entitlements.
- An employee who proceeds on approved leave without pay for a period greater than 2 weeks will not accrue annual, personal or other forms of paid leave after 2 weeks. These entitlements are not removed, but will resume upon the employee's resumption of duty.

Evidence

ARA Property Services may, in some circumstances, require documentation by way of evidence to support the necessity to go on leave without pay.

2.7 Community Services Leave

Statement

Community service may be defined as support, training and activities associated with jury duty and/or voluntary community emergency management. With the exception of jury duty, community service leave is unpaid. An employee may engage in a voluntary community emergency management activity if:

- the activity deals with a community emergency or natural disaster.
- the employee engages in the activity on a voluntary basis.
- the employee was either requested to engage in the activity or it is reasonable to expect that such a request would have been made if the circumstances permitted it.
- the employee is a member of a recognized emergency management body such as the SES, CFA, RSPCA etc.

Entitlement

- The employee may take community services leave for the duration of the activity as well as reasonable travel and rest time.
- Casual employees are not entitled to paid Community Service Leave, but are entitled to apply for unpaid leave for community service.

Application

- Employees are required to apply for leave to their Manager prior to leave being taken for emergency related work, jury duty or as a witness in court.
- In case of a 'call-out', a leave application must be completed and submitted as soon as practicable on the return to work.
- Notwithstanding the emergency nature of 'call out', employees are to request leave from their Manager, and to assist with all possible actions to minimise disruption to services and operations.
- The employee is responsible for advising their Manager promptly of any changes to planned absences.

Supporting documentation

- Employees requesting Community service leave are required to provide documentary proof of their participation at planned training activities, and to provide post facto proof of their involvement in emergency 'call out' activities.
- Where supporting documentation (ie. Proof of participation) is required for a leave application, this is to be attached to the application form prior to authorisation of the Manager.

Payment

- In all cases where ARA Property Services is making-up pay, the employee is to advise in writing the gross amount of payments to be received during the leave. Wherever it is possible, this is to be advised at the time of applying for leave; otherwise, the advice is to be made as soon as practicable after the leave is complete.
- Jury fees are fixed by Government regulation. Employees required to attend court for jury service during normal working hours will be reimbursed the difference between the amount paid for attendance for jury service and the amount of wages the employee would have received had they not been on jury service.

- Employees are not entitled to be compensated for potential lost penalty rates or overtime during attendance of community services, jury service or as a witness.
- Pay will be made up to the employee's ordinary rate of pay, and at the gross level; i.e, no account will be taken of the taxation which may apply to any payments received while on Community Services leave.
- Casual employees are not entitled to be reimbursed for jury leave or witness leave, but are entitled to apply for unpaid leave.
- A full time or part time employee who is subpoenaed or called as a witness by the Crown, an Industrial Tribunal or in another jurisdiction, will be granted, for the whole of the period necessary to attend as such a witness, unpaid leave if no other leave entitlement is available.

2.8 Employee Volunteer Leave

Statement

ARA defines Employee Volunteer Leave (EVL) as leave granted to participate in approved formal volunteering activity during a time that an employee would otherwise be at work. We recognise that our employees have a significant role to play in our community and encourage them to add value by volunteering their services to other organisations who rely on volunteers to achieve their objectives. The volunteer experience must follow the core categories being a benefit in either: Education, Health & Sport, Arts & Culture, Environment, or Community. This policy will be reviewed on a yearly basis.

Eligibility

Any employee who works in a non-roster work environment and has passed their probationary period are eligible to access Employee Volunteer Leave (EVL).

Subject to operational requirements, at the discretion of the Manager, each employee can access a Volunteer Leave entitlement of 8 (eight) hours per calendar year, on the basis that the employee is full time.

Guiding Principles

In order to qualify, the experience must include the following principles:

- be of benefit to the community and the volunteer
- be of the volunteer's own free will and without coercion
- be for no financial gain to the employee; be within the community the employee lives in.

Employees are encouraged to share their volunteering experience with the rest of the team.

All ARA Property Services policies must be abided by during the approved period of EVL.

Employees must ensure that any volunteering activities will not create a conflict of interest or adversely affect core business activity.

Application

An employee will apply for EVL by completing an Application for leave form.

Volunteer Leave must be planned in advance and approved by the relevant manager (there is no retrospective entitlement). Approval will be granted based on:

- Operational requirements
- Whether activity is appropriate
- Other relevant factors based on the situation

EVL will include time required to travel to and from the activity.

No payment will be made for expenses incurred by the employee during the volunteering activity.

Supporting documentation

Written evidence of participation in the activity must be given to the Manager on the day the employee returns to work.

2.9 Purchased Leave

This leave provides an employee to extend their leave entitlements for the year, up to a maximum of eight weeks per year, by purchasing an additional period of leave through a reduction of the regular wages. This is effectively spreading the cost of the additional leave over 12 months instead of taking on the financial consequence of leave without pay.

Criteria

There is no entitlement to this leave. The application will be considered in line with operational requirements, team targets and impact on other staff. Approval will be granted if:

- Employment status is ongoing
- At least 12 months remains in the contract if employment status is fixed term
- The existing leave balance is less than 13 weeks LSL or 3 weeks annual leave
- the operational requirements of the work area will be met
- arrangements can be put in place to ensure that approval will not result in unreasonable increases in the workload for other employees.
- Purchased leave and all annual leave entitlements will be taken in full within 12 months

Application

- Discuss intended leave plans with the Manager
- Submit a written application with a proposed leave plan to the Manager; this includes current leave entitlements.
- The Manager will consider the criteria, make a decision and send to the head of the business unit for approval.
- If approved, a formal agreement will be drawn up by People Services which once signed will be forwarded to Payroll for processing of wage adjustments.
- If accepted and processed, the employee must submit a leave request via the Payroll portal to access the approved purchased leave.

Wage calculation

During a purchased leave arrangement, the salary will be reduced by a percentage based on the number of weeks purchased. Superannuation contributions are calculated on the newly reduced salary rate. The employee can choose to increase the employee superannuation contribution amount to make up for this shortfall. All leave entitlements taken in the period of a purchased leave agreement will be paid at the rate of the reduced salary. Before making an application, it is expected that the employee will seek independent advice about the potential impact on their financial situation, taxation and superannuation arrangements.

Withdrawal or renewal

Once agreed upon, purchased leave cannot be cancelled unless the employee resigns during the period of participation of this scheme. In such instances, Payroll will calculate any reimbursement entitlements for untaken leave to include in the termination payment.

Renewal of a purchased leave agreement can be made through a fresh application for the next 12 months.

3. Related documents

Related policies	Termination Policy
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Forms	Leave Application form
Legislation	<p>Fair Work Act 2009</p> <p>Long Service Leave Act 1955 – NSW</p> <p>Long Service Leave Act 1992 – VIC</p> <p>Long Service Leave Act 1987 – SA</p> <p>Long Service Leave Act 1958 – WA</p> <p>Long Service Leave Act 1976 – TAS</p> <p>Long Service Leave Act 1981 – NT</p> <p>Long Service Leave Act 1976 – ACT</p>