 <p>The Flinders Ranges Council</p>	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">COUNCIL EMPLOYEES - LEAVE</p>	<p>Policy Number Version Number Issued Last Review Next Review GDS</p>	<p>G1.55 2 February 2023 October 2023 February 2028 9.63.1.1</p>
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COUNCIL EMPLOYEES - LEAVE

1. POLICY OBJECTIVES

The purpose of this policy is to outline the way in which employees' leave entitlements are managed in order to both assist in ensuring that employees take their entitled leave every year and that Council's leave liability is minimised. This policy covers Long Service Leave (LSL) Annual Leave (AL), Rostered Days Off (RDO), Special Leave (SL) and Leave in Lieu (LIL).

2. SCOPE

This policy will be applied in conjunction with the *Long Service Leave Act 1987* (LSL Act) and relevant industrial instruments including any Enterprise Bargaining Agreements (EBA) and is relevant to:

- Employees who are employed on a permanent or fixed term contract; and
- Eligible casual employees for the purposes of LSL only.

This policy is also applied in conjunction with the *Fair Work (Family and Domestic Violence Leave) Amendment Bill* (SA) (FW Act) with reference to paid family and domestic violence leave.

3. POLICY STATEMENT

Council has a responsibility to closely monitor LSL, AL, SL, RDO's, and LIL in order to reduce its leave liability and ensure leave credits do not accumulate beyond acceptable levels during the employment lifecycle of an employee.

There is a risk that when employees do not use their allocated leave on a regular basis that this could result in an increased likelihood of sick leave and work-related injuries occurring. Council has a duty of care to its staff to ensure regular breaks from work are taken.

The following general principles will be considered for all applications for leave:

- Council encourages employees to establish a balance between their personal and working lives, and to assist employees achieve this balance, AL and LSL should be taken when it falls due;
- Permanent part-time employees are entitled to the same leave and absence entitlements as full-time employees in equivalent positions, except that leave will be paid on a pro rata basis as per relevant EBAs;
- Where practicable, all absences must have prior approval;
- Employees should provide enough notice to allow their application to be considered appropriately;
- Approvals should be considered fairly and equitably;
- All staff must take leave on a regular basis; and
- Employees' leave liability must be minimised.


4. GUIDELINES

4.1 Annual Leave

AL provides employees with the opportunity to take a scheduled break from work to better manage and balance their work and life.

Employees should take their annual allocation of their AL entitlement regularly each year as required, or in accordance with the applicant EBA, to ensure AL liability is minimised.

AL is to be taken at a time that is mutually agreed between the Supervisor and Employee, taking into consideration operational requirements. Where possible, sufficient notice should be provided when applying for AL e.g. preferably four (4) weeks before the commencement of leave, however, a shorter notice period may be approved in special circumstances. AL must be applied for using the prescribed leave form. It is also preferable that the maximum annual

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leave accrual at any time is 300 hours. Annual leave beyond 300 hours will only be approved in extenuating circumstances.

Where it is proposed that an employee's annual leave accrual will exceed 300 hours, a written application for deferral should be submitted to the Chief Executive Officer (CEO) for approval at least two (2) months before the 300-hour maximum accrual is reached.

AL consisting of four (4) weeks (or the pro-rata equivalent for part-time employees) at the ordinary rate of pay shall be granted to an employee, after each 12 months service with Council.

Any paid leave (excluding Income Protection) counts as service for accruing annual leave.

Leave without pay does not count as service for accruing annual leave.

Council may direct an employee to take a specified amount of annual leave at a prescribed time, by giving four (4) weeks notice, when:

- Work arrangements dictate;
- There is an annual office closure;
- The employee has accrued in excess of 300 hours.

Council recognises that, at the time of the implementation of this policy, some employees have leave accruals in excess of 300 hours (including both entitled and pro-rata leave). Accordingly, for only those employees, the relevant Director, in consultation with the relevant supervisor and employee, will work out a plan that outlines how the employee's leave accrual will be reduced below the 300 hour maximum.

4.2 Long Service Leave

Employees accrue an entitlement to LSL in accordance with the LSL ACT.

Employees may apply to use their LSL on a pro-rata basis following the completion of seven (7) years' continuous service, this application will be assessed by Council's CEO in conjunction with that Employee's Director. If approved the taking of leave after 7 years but before 10 years will be subject to an agreement being completed outlining the agreement reached.

LSL should be taken as soon as practicable after the employee becomes entitled to the leave and at a mutually agreed time.

Other than exceptional circumstances and where no other form of paid leave is available or appropriate, the minimum period of LSL that can be taken at any one time is one (1) week.


An employee is required to provide a minimum period of four (4) weeks' notice (unless otherwise approved) prior to taking leave and application must be made via the prescribed form.

To ensure that employees have access to some entitlements for personal emergencies etc, employees may elect to maintain, a credit of up to 12 weeks LSL to a total of 456 hours (adjusted pro-rata for part time employees).

The LSL Act specified that employees cannot undertake paid work with any employer whilst on LSL.

4.3 Rostered Day Off and Leave In Lieu

Employees who are entitled to RDO's or LIL will need to manage their entitlement balance.

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Employees are encouraged to not have any more than five (5) days in RDO or LIL time as a balance, unless otherwise agreed with their Director.

4.4 Special Leave

As per the FW Act, all employees, including casual employees, are entitled to 15 days of paid family and domestic violence leave in a 12 month period, noting that this leave does not accrue year-to-year. Employment contracts that do not provide for an entitlement to family and domestic violence leave will automatically be taken to provide for 15 days as standard.

Full-time, part-time and casual employees may apply for paid family and domestic violence leave for any of the following purposes arising from or in relation to family and domestic violence:

- to attend medical appointments;
- to seek and receive legal advice;
- relocate residences or make other safety arrangements; or
- for any other purpose relating to the employee dealing with the impact of family and domestic violence.

Employees must, as soon as practicable in the circumstances, give notice to Council that they are taking family and domestic violence leave. Such notice must include the employee's intention to take the leave, the purpose for the leave and the time the employee expects to be absent.

4.5 Individual Leave Management Plans

Unless otherwise agreed with direct Supervisor and approved by the CEO, and in line with any EBA, any employee with an accumulated RDO or LIL balance in excess of five (5) days are to reduce the balance by taking some leave, at the minimum rate as follows:

- 4-10 deferred days within six (6) months; and
- 11-15 deferred days within 12 months.

Where an employees leave balance exceeds the above allowable thresholds, the Supervisor will need to discuss future leave arrangements with their Director and should include working out a schedule of when the employee intends to take leave and the reason for deferring any leave beyond 12 months with the CEO needing to approve any delays.

If an employee does not action the taking of leave as agreed with the Supervisor, the CEO may direct the employee to take the excess leave providing a minimum of 60 days notice to the employee.

5. RESPONSIBILITIES

The Director of Finance and Administration is responsible for this policy.


6. LEGISLATION

[Long Service Leave Act 1987](#)

[Fair Work \(Family and Domestic Violence Leave\) Amendment Bill 2023 \(SA\)](#)

7. REVIEW AND ADOPTION

To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

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Adopted by Council 21 March 2023
Resolution 46/2023

Review Date	Version Number	Change	Resolution
	1	Adopted by Council	46/2023
17 October 2023	2	Addition of Special Leave in reference to <i>Fair Work (Family and Domestic Violence Leave) Amendment Bill 2023</i> (SA)	283/2023