

# Leave Policy

## POLICY AND PROCEDURE

### Purpose

This Leave Policy covers the following types of leave: annual, personal/carer's, compassionate leave, community service and long service. It applies to all full-time, part-time, and casual employees (where applicable) as detailed in the Policy.

### Scope

This policy applied to all staff employee by SubeeNewlake, irrespective of employment type.

### Application of the 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, enterprise agreement or contract that applies to an employee.

This Policy reflects the National Employment Standards (NES) as set out in the *Fair Work Act 2009 (Cth) (the Act)* but does not override the NES.

### Definitions

'Immediate family' means:

- a) A spouse, de facto partner, child, parent, grandparent, grandchild, or sibling of the employee; or
- b) A child, parent, grandparent, grandchild, or sibling of a spouse of the employee.

'Spouse' includes a former spouse, a de facto spouse, or a former de facto spouse.

'De facto partner' means 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 different sexes) and includes a former de facto partner of the employee.

'Child' includes an adopted child, stepchild, an ex-nuptial child, and an adult child.

### Annual leave

Subee provides annual leave in accordance with the Act.

### Amount of leave

For each year of service, an employee (other than a casual employee), subject to their hours and employment status, progressively accrues 4 weeks of paid annual leave.

An employee will accrue one (1) extra week's leave if they are described by a relevant award or agreement as a shift worker for the purposes of the NES.

Annual leave accrues progressively from year to year.

### Taking annual leave

Annual leave is to be taken for a period agreed between the employee and Subee. Subee will not unreasonably refuse a request for annual leave from the employee.

Subee requires 4 weeks' notice for annual leave requests. All requests under 2 weeks' notice need to be negotiated directly with rosters or management.

In addition to Subee directing an employee to take annual leave, employees can be directed to take annual leave in accordance with the relevant award or agreement that applies to them and under the terms set out in the NES.

Without limiting Subee's capacity to direct the taking of annual leave, 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 Subee is being shut down for a period such as Christmas or New Year.

### Payment on annual leave

Annual leave will be paid at the employee's base rate of pay for the employee's ordinary hours of work in the period. This will not include payment for any allowances, loadings, penalties, or the like. The payment will be processed at the usual pay time.

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### Cashing out annual leave

Award covered and agreement covered employees may only cash out annual leave in accordance with the terms of the award or agreement that applies to them. Cashing out annual leave will *not* be permitted if there is no provision in the award or agreement which expressly permits cashing out.

Award free and agreement free employees may request Subee cash out some of their accrued annual leave from time to time provided that:

- c) The employee maintains a minimum of 4 weeks annual leave after the cashing out;
- d) Subee agrees; and
- e) The agreement to cash out is made in writing and signed by the employee and Subee.

### 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, should have the employee taken that period of leave.

### Casual employees

Casual employees have no entitlement to annual leave.

### Personal/carer's leave

Subee provides personal/carer's leave in accordance with the Act.

Personal/carer's leave encompasses sick leave and carer's leave.

Other than casual employees, personal/carer's leave accrues progressively during a year of service according to the employee's ordinary hours of work and accumulates from year to year.

A medical certificate/statutory certificate will be required should the leave exceed two (2) consecutive days.

### Taking paid personal/carer's leave

An employee may use their accrued paid personal/carer's leave for personal illness or personal injury affecting the employee. 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 emergency affecting the immediate family /household member.

### Paid personal/carer's leave – notice and documentation requirements

To access an entitlement to personal/carer's leave, an employee must:

- Comply with any requirements in their award, agreement, relevant policies, and contract.
- As soon as practicable, inform the immediate manager that the employee will be absent from work because of personal illness or injury.
- Inform Subee of the expected period of the absence; and
- Provide evidence that would satisfy a reasonable person that the leave is taken for personal/carer's reasons as specified in this Policy, such as either medical certificate or a statutory declaration.

Any personal leave taken before or after a public holiday must be accompanied with a Dr Certificate.

### Payment for personal/carer's leave

Paid personal/carer's leave for employees, other than casuals, will be paid at the employee's base 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

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time provided the employee has complied with the notice and documentation requirements.

### *Cashing out personal/carer's leave*

Employees may only cash out personal/carer's leave in accordance with the award or agreement that applies to them. Cashing out personal/carer's leave will not be permitted if there is no provision in the award or agreement which expressly permits cashing out.

If personal/carer's leave is cashed out, each cashing out of a particular amount of paid personal/carer's leave should be by a separate agreement in writing between Subee and the employee. The employee must retain a balance of 15 days personal/carer's leave after the cashing out and will be paid the full amount that would have been payable to the employee had the employee taken the leave that the employee had forgone.

Award-free and agreement-free employees may not cash out personal leave.

### *Payment for personal/carer's leave on termination*

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

### *Unpaid carer's leave*

Casual employees and those full-time and part-time employees who have used their entitlement to paid carer's leave, are entitled to up to 2 days' unpaid carer's leave for each occasion when a member of the employee's immediate family or household requires care or support because of:

- A personal illness or injury of the member; or
- An unexpected emergency affecting the member.

### *Compassionate leave*

Subee provides compassionate leave in accordance with the Act.

Employees (other than casuals) are entitled to up to 2 days paid compassionate leave for each occasion when a member of the employee's immediate family or a member of their household has a personal illness or injury that poses a serious threat to his or her life or dies.

### *Payment for compassionate Leave*

Compassionate leave for employees other than casuals will be made at the employee's base rate of pay for the employee's ordinary hours of work in the period. This will not include payment for any allowances, 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.

### *Cashing out personal/carer's leave*

Compassionate leave cannot be cashed out.

### *Compassionate leave – notice and documentation requirements*

To access an entitlement to compassionate leave, employees must as soon as practicable, inform the immediate Manager that they need leave to:

- Grieve following the death of a member of the employee's immediate family or a member of the employee's household; or
- Attend the funeral of that immediate family member or a member of the employee's household; or
- Spend time with an immediate family member or a member of the employee's household because that member has a personal illness or injury that poses a serious threat to his or her life.

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An employee must also provide Subee with any evidence Subee requires to substantiate the fact that the leave is to provide care and support for an immediately family member suffering a personal illness or personal injury (such as a medical certificate or a statutory declaration) or is for one of the reasons for compassionate leave listed above.

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

### Casuals

Casual employees are entitled to up to 2 days off unpaid for each occasion when a member of the employee's immediate family, or a member of their household has a personal illness or injury that poses a serious threat to his or her life or dies.

### Long service leave

Long service leave will be granted to all employees in accordance with applicable long service leave legislation as varied from time to time.

### Community service leave

Subee provides Community Service Leave in accordance with the Act.

Community service leave incorporates jury service and voluntary emergency management activities.

### Jury service

Employees are entitled to be absent from work to perform jury service.

### Payment for jury service leave

Subject to the provisions detailed below, employees (other than casuals) who are absent from work to perform jury service are entitled to receive payment at their base rate of pay for ordinary hours of work for which they are absent for the first 10 days of absence on jury service only (unless

applicable state legislation says otherwise). This will not include payment for any allowances, 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.

The amount Subee will pay to the employee for the absence for jury service will be reduced by the jury service pay which the employee receives or is entitled to receive from the court.

### Voluntary emergency management activities

An employee is entitled to be absent from work to undertake voluntary emergency management activities if:

- The employee engages in an activity that involves dealing with an emergency or natural disaster; and
- The employee engages in the activity on a voluntary basis (whether or not the employee is paid a gratuity); and
- The employee is a member of, or has a member-like association with, a recognised emergency body such as a firefighting, civil defence or rescue body, and either:
  - Is requested by or on behalf of the body to engage in the activity; or
  - It is reasonable to expect that a such a request would have been made if circumstances permitted; and
- The employee's absence is reasonable in all the circumstances.
- The amount of time which Subee will permit an employee to be absent from work for a voluntary emergency management activity will depend on whether the employee's absence is reasonable and will be reassessed from time to time.

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However, as a guide, the absence time may consist of the time the employee engages in the activity, reasonable travelling associated with the activity and reasonable rest time immediately following the activity.

### Notice and documentation for community service leave

In order to access an entitlement to community service leave, an employee must:

- Comply with any requirements in their award, agreement, relevant policies and contract;
- As soon as practicable, inform the immediate manager that the employee will be absent from work due to either a voluntary emergency management activity or jury service leave;
- Inform Subee of the period of the absence;
- Provide evidence that the absence is because the employee has been or will be engaging in a voluntary emergency management activity or jury service leave;
- In the case of absence for jury service, provide Subee with evidence of any jury service pay they have received or may be entitled to receive.

### 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, including additional documents requested where reasonable, should be given to the Department Manager.

### Variations

Subee reserves the right to vary, replace or terminate this policy from time to time.

### Employee acknowledgement

I acknowledge:

- receiving the Subee Policy;
- that I will comply with the Policy; and
- that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your name:

Signed:

Date:

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