

## Leave Policy and Procedure

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### Aim

To outline the Company's requirements for taking leave to give our employees an easy to follow overview of what leave entitlements are available to them and how to correctly apply for leave. This document covers both award and enterprise agreements.

### Purpose

To show commitment to our employees' health and wellbeing and make sure that everyone knows their rights and entitlements to leave as outlined in this policy.

### Legal

This policy is in -line with the National employment standards - Fair Work Act 2009, the Social, Community, Home Care and Disability Services (SCHADS) Industry Award 2010 and the Long Service Leave Act 1992, Electrical, Electronic and Communications Contracting Award 2010, Quarrying Award 2010.

## 1. Annual Leave

### 1.1 Annual leave accrual

- a. If you are on a 38 hour week your leave entitlement is 4 weeks per year.
- b. If you are on shift work than your leave entitlement is 5 weeks per year.
- c. If you are an Electrician than your annual leave is defined in your employment Contract Agreement.

Annual leave will accrue progressively during a year of service, and will accumulate from year to year. Annual leave continues to accrue when an employee takes a period of annual leave or paid personal/carers leave. Annual leave will not accrue on any form of unpaid leave.

### 1.2 Taking paid annual leave.

- a. Before taking paid annual leave the appropriate amount of leave must be accrued.
- b. Paid annual leave must be taken for a period agreed between the Company supervisor and employee.
- c. The Company will not unreasonably refuse to agree to a request from employees to take paid annual leave, though all leave will be approved subject to operational requirements.

- d. If the employee does not have the appropriate accrued annual leave the employee may apply to take leave without pay.
- e. When applying for leave it must be done on the Company form; "Leave Application Form", Document No # 13 available from the Company website <http://emmsau.com/content/2019/02/06/forms/>.

### 1.3 Management of Annual Leave (NES 28.7)

- a. The Company encourages employees to take annual leave regularly, and has implemented a 30 day (six week) maximum balance of annual leave that an employee can hold at any given time. This six week limit is to encourage staff to utilise their annual leave on a regular basis to avoid burnout, to ensure all employees have the opportunity to utilise annual leave each year, and maintain a work/life balance.
- b. If an employee has accumulated more than 30 days annual leave, the employee and their supervisor will work together to reach an agreement on taking the leave in excess of 30 days.
- c. If agreement cannot be reached, the employee may be directed with written notice to reduce their leave balance (take leave) at a time that is suitable to the Company to reach a balance no greater than 30 days accrued leave.

### 1.4 Payment of annual leave upon termination of employment

- a. Employees are entitled to receive payment of any untaken leave which has been accrued.
- b. Any leave taken in advance or pro-rata will be deducted from your final termination pay.

### 1.5 Cashing out annual leave

- a. A specific written request must be submitted to the Director for approval.
- b. You can only request to cash out annual leave greater than 20 accrued days and you must be left with 20 accrued days. (*refer to the Fair Work Act 2009, National Employment Standards, s. 94*).

## 2. Personal/Carer's leave including sick leave

- a) All employees except casuals are entitled to paid sick and carer's leave. (FWA s.95)
- b) Notice; (FWA s.107)
  - a. must be given to the employer as soon as practicable (which may be a time after the leave has started); and
  - b. must advise the employer of the period, or expected period, of the leave.
  - c. Evidence, see 4.
- c) An employee may take paid personal/carers' leave if the leave is taken because the employee is not fit for work because of a personal illness, or personal injury, affecting the employee. (FWA s.97)

- d) It is a requirement of the Company to provide a Doctors certificate for any personal leave taken. (FWA s.107) Personal will not be paid without a Doctors certificate.
- e) The Company must receive the Medical certificate or notification that a medical certificate will be provided before Monday 5.00pm of the week immediately following the personal leave. Failure to provide notice will forfeit your leave payment. (FWA s.107)
- f) Accrued personal leave cannot be cashed out. (FWA s.101)
- g) Employees on 38 hours per week will get a total of 80 hours per year. (80 hours = 10 Days.)
- h) Employees on 40 hours per week will get a total of 100 hours per year. ( 100 hours = 10 days.)
- i) Electricians need to refer to their Employee Contract Agreement for personal leave entitlements.

## 2.1 Taking unpaid personal/carer's leave

- c. An employee may take unpaid carer's leave for a particular permissible occasion as a single continuous period of up to two days.
- d. Evidence must be provided in the form of a Doctors certificate.

## 3. Jury service leave

- a. If an employee is summoned for jury duty the Court letter must be provided to the site manager immediately.
- b. The Company is required to pay the employee 'make-up pay' for the first 10 days, which is the difference from the remuneration provided by the court and the employees normal base rate of pay per day.

## 4. Long service leave (LSL)

- c. An employee is entitled to take LSL after 10 years of continuous employment.
- d. An employee ceasing employment after at least seven years of continuous employment is entitled to be paid for LSL (regardless of the reason for termination of employment).
- e. The calculation of LSL is the total number of weeks employment divided by 60 and multiplied by the ordinary weekly rate of pay at the time the leave is taken.
- f. LSL must be applied for on the Leave Application Form # 13, available on the website <http://emmsau.com/content/2019/02/06/forms/> .
- g. All leave must be approved.

## 5. Leave without pay

- e. All employees may request LWOP.
- f. LWOP may be sought by employees for a number of reasons including a planned holiday or unexpected illness (where other leave entitlements have been exhausted or the appropriate leave has not been accrued).

- g. LWOP must be applied for on the Company approved form, (Leave Application Form # 13, available on the website <http://emmsau.com/content/2019/02/06/forms/>).

## 6. PROCEDURE

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- a. All employees must apply for the following types of leave on the Company's Leave Application Form # 13, available on the Company's website <http://emmsau.com/content/2019/02/06/forms/>.
  - 1. Annual leave
  - 2. Long Service Leave
  - 3. Study Leave
  - 4. Leave without pay (LWOP)
- b. Managers / supervisors will respond to tall leave requests within 10 working days, the response will state if the leave has been approved or refused.
- c. Employees must give a minimum of 4 weeks notice to take leave.
- d. Employees must give a minimum of 2 months notice if applying for leave greater than 4 weeks.
- e. The Leave Application Form must be kept by the Manager and a copy must be sent to administration for filing.
- f. All Managers and Employees will seek to communicate effectively and in a time efficient manner where possible with all matters relating to leave.
- g. In the event that there is a dispute whereby a solution cannot be reached between the employee and their direct supervisor, a meeting can be arranged with the Director and HR to seek resolution.