



**C.E.M. Alliance  
Leave Policy  
CEM-QAL-POL-016**

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### 1. INTRODUCTION

This procedure outlines the types of leave available to all staff, the circumstances surrounding when the different types of leave can be applied for and the process to apply for or retrospectively substantiate leave requests.

This policy does not impose any contractual entitlements or obligations upon C.E.M. Alliance or its employees, nor is it intended to be incorporated into an employee's contract of employment as an express or implied term of that contract. Breaches of this policy by C.E.M. Alliance's employees may give rise to disciplinary action, including, but not limited to, the termination of employment.

For specific details about the accrual rate of leave applicable to your award and the payment of award specific allowances, such as leave loading, please refer first to your employment contract and secondly to the applicable award.

No leave will be paid without a CEM-ADM-FRM-009 Leave Request being completed, signed and submitted to payroll prior to Monday at 8am. Paperwork received after this time will be processed and paid in the following pay run.

This policy aims to outline the procedure around applying and approval for the following types of leave:

1. Annual Leave;
2. Personal Leave;
3. Leave without Pay;
4. Compassionate & Bereavement Leave;
5. Family & Domestic Violence Leave;
6. Parental Leave;
7. Community Leave; and
8. Defence Reservist Leave.

### 2. ANNUAL LEAVE

The purpose of annual leave is to provide a period of paid leave during which a staff member may have a sustained break from the workplace. Employees are entitled to 4 weeks paid annual leave for each year of service. Shift workers may be entitled to an additional week of annual leave. This entitlement accrues progressively throughout the year according to the employee's ordinary hours of work. Annual leave is available for staff to take as it is accrued and will be detailed on each weekly payslip. Any unused annual leave will remain and continue to accumulate on the employee's payslip.

Staff are encouraged to take their annual leave for their wellbeing and to promote a healthy workplace.

Staff are expected to plan their annual leave in advance and must seek approval from their Immediate Supervisor before taking annual leave.

### 2.1. APPLYING FOR ANNUAL LEAVE

The timing of your annual leave and arrangements associated with your workload need to be discussed between you and your Supervisor. You should give your Supervisor as much notice as possible of your intention to take annual leave, discussing with them workload demands in order to establish a convenient time for both you and your work area. A leave form needs to be submitted that covers the entire time that you would normally be rostered to work and annual leave will be paid on your ordinary hours of work. Leave without pay will only be approved for an employee after an employee has exhausted all their annual leave.

C.E.M. Alliance will pay annual leave as per the written request firstly to the closest day and then on an hourly basis up to the limit that is available to the employee and based on their ordinary hours of work. An employee will not be taken to be on paid annual leave on any public holidays.

All employees must complete a CEM-ADM-FRM-009 Leave Request, have it approved by their Immediate Supervisor and then sent through to Head Office for Payroll purposes.

### 2.2. APPROVAL OF ANNUAL LEAVE

The Company will consider your application for annual leave in a timely manner and will discuss your leave plans with you.

C.E.M. Alliance has the authority to approve annual leave and decline your annual leave application if:

- The period of leave has not been identified within a timely manner;
- The period of the leave coincides with a peak period for work as established in advance in writing or by custom and practice; or
- Other staff members have already requested and received approval for leave during the same period and approval of your request would impact significantly on the capacity of the Company to perform its functions.

The Company will give reasons for declining an application for annual leave and will discuss with you alternative options for the timing of your annual leave.

### 2.3. CASHING OUT ANNUAL LEAVE

An employee can apply to cash out annual leave when they have leave accruals owing in excess of the equivalent of 4 weeks leave. The cash out will not be approved if the process of cashing out the leave will render the employee with less than 4 weeks leave. An employee can cash out a maximum of 2 weeks in any 12 month period and the cashed out leave will be subject to tax and any other legislated payroll deductions that are applied to the individual employee. The application must be on a CEM-ADM-FRM-008 Agreement to Cash Out Annual Leave Form and signed by the employee's Manager prior to payroll processing the request. The request will be processed as part of the standard pay run process and therefore needs to be electronically submitted to the payroll office by Sunday Midnight.

Note: Please ensure your Leave Request is approved prior to booking flights etc. as C.E.M. Alliance will not be held financially responsible if your leave is declined.

Taking annual leave without applying could be deemed unacceptable and unethical behaviour and C.E.M. Alliance may take appropriate action where there is evidence of such behaviour.

Leave Loading or the applicable shift allowances and penalty rates will be paid as per the applicable Award, Enterprise Bargaining Agreement or contract on a case by case basis dependent upon the employee's individual circumstances.

### 3. PERSONAL LEAVE

The purpose of personal leave is to ensure that employees can take time off to help them deal with personal illness, caring responsibilities and family emergencies. Employees are entitled to 10 days of paid personal leave for each year of service. Employees are entitled to take personal leave as it is accrued and any unused personal leave will roll over to the next year.

An employee may have to take time off to care for an immediate family or household member who is sick or injured or help during a family emergency. This is known as carer's leave and is deducted from the employee's personal leave balance. Where there is not enough personal leave balance available, an employee may apply for unpaid personal leave.

Carer's leave can be applied for when one of the following relatives requires care:

- Spouse or former spouse;
- De facto partner or former de facto partner;
- Child;
- Parent;
- Grandparent;
- Grandchild;
- Sibling;
- Child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (including of a former spouse or de facto partner); or
- Any person who lives with the employee (household member). This also extends to step relations and adoptive family members.

#### 3.1. APPLYING FOR PERSONAL LEAVE

In instances when the personal leave is scheduled, for example a dentist appointment or scheduled surgery, then the employee should provide as much notice as is practicable by applying to their Supervisor at the first convenient instance for personal leave. In regard to unplanned personal leave, an employee should verbally inform their Supervisor of their unavailability as soon as it becomes apparent and then submit a completed application as soon as practicable.

C.E.M. Alliance will pay personal leave as per the written request firstly to the closest day and then on an hourly basis up to the limit that is available to the employee based on their ordinary hours of work. An employee will not be taken to be on paid personal/carer's leave on any public holidays. Leave without pay will only be allowed for an employee on personal leave after an employee has exhausted both personal and annual leave accruals and has no other leave available to them.

All employees must complete a CEM-ADM-FRM-009 Leave Request and have it approved by their Immediate Supervisor and then sent through to Head Office for Payroll purposes.

Evidence in the form of a doctor's certificate or other appropriate documentation will be requested for a period of personal leave greater than 1 day/shift unless an employee is on-site with no access to an Examining Medical Officer (EMO). In this instance, C.E.M. Alliance HR will be working closely with

your Supervisor to monitor the situation and your Supervisor will be responsible for completing the appropriate paperwork on your behalf.

### **3.2. APPROVAL OF PERSONAL LEAVE**

Personal leave will be approved as per the standards set by Fair Work Act 2009 (Cth) and no reasonable request for personal leave will be refused. Employees are encouraged to talk directly to their Supervisors when longer periods of personal leave are required to ensure adequate coverage can be found to avoid adverse impacts to both C.E.M. Alliance and the employee.

### **4. LEAVE WITHOUT PAY**

Leave without pay can only be approved by a Manager and will only be approved if an employee has exhausted all other applicable leave options available to them. In the case that an employee is uncontactable or has not filled out the appropriate paperwork, leave will be paid and deducted from the employee's annual leave accruals until no further leave remains and then leave without pay will apply.

### **5. COMPASSIONATE & BEREAVEMENT LEAVE**

Compassionate leave is available to all employees (including casual employees, who are entitled to unpaid compassionate leave) at the death or the contraction of a life-threatening illness or injury for an immediate family member or a member of the employee's household.

#### **5.1. APPLYING FOR COMPASSIONATE & BEREAVEMENT LEAVE**

An employee is entitled to 2 days of compassionate leave for each permissible occasion, which can be taken as a single continuous 2 day period or 2 separate periods of 1 day each. Employees do not accrue compassionate leave.

Compassionate leave is paid at the employee's base pay rate for the ordinary hours that they would have worked during the leave. Compassionate leave for casual employees is unpaid leave.

All employees must complete a CEM-ADM-FRM-009 Leave Request and have it approved by their Line Manager and then sent through to Head Office for Payroll purposes.

#### **5.2. APPROVAL OF COMPASSIONATE & BEREAVEMENT LEAVE**

Compassionate leave must be applied for as soon as is practicable and C.E.M. Alliance may ask for reasonable evidence, which can include a death or funeral notice or statutory declaration (for further reference please see the Fair Work Act 2009). If the employee doesn't comply with providing the requested notice or evidence, they may not be granted compassionate leave.

### 6. FAMILY & DOMESTIC VIOLENCE LEAVE

Family and Domestic Violence leave applies to all C.E.M. Alliance employees as of the 1<sup>st</sup> of August 2018 and is a period of 5 days unpaid leave in a 12-month period granted to deal with family and domestic violence. This leave allocation is available in full from the start of each 12-month period of the employee's employment and does not accumulate from year to year. It can be taken as single or multiple days and in separate periods.

#### 6.1. APPLYING FOR FAMILY & DOMESTIC VIOLENCE LEAVE

Family and Domestic Violence leave can be applied for when an employee's family member exhibits violent, threatening or other abusive behaviour which seeks to coerce or control the employee or cause them harm or fear.

An employee's family member includes;

- An employee's:
  - Spouse or former spouse;
  - De facto partner or former de facto partner;
  - Child;
  - Parent;
  - Grandparent;
  - Grandchild; or
  - Sibling;
- An employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling; or
- A person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

It can be used in situations where it is impractical to deal with the impact of family and domestic violence outside of ordinary hours, for example deciding arrangements for their safety, attending court hearings or accessing police services.

All employees must complete a CEM-ADM-FRM-009 Leave Request and have it approved directly by the C.E.M. Alliance Managing Director.

#### 6.2. APPROVAL FOR FAMILY & DOMESTIC VIOLENCE LEAVE

Family and Domestic Violence leave must be applied for as soon as is practicable and C.E.M. Alliance will ask for reasonable evidence in all instances where Family and Domestic Violence leave has been taken. Documents can include documents issued by the police, court, family violence support service or a statutory declaration. If the employee doesn't comply with providing the requested notice or evidence, they may not be granted Family and Domestic Violence leave.

C.E.M. Alliance Management will deal with Family and Domestic Violence leave applications with a very high level of confidentiality and sensitivity. Information with regards to Family and Domestic Violence leave will only be disclosed if required by law or it is necessary to protect the life, health or safety of the employee or another person.

### 7. PARENTAL LEAVE

Employees are entitled to unpaid parental leave when a child is born or adopted into their immediate family. An employee is eligible for parental leave if they have worked for C.E.M. Alliance for at least 12 months before the date of birth or placement of the child or expected date of birth or placement of the child and will have responsibility for the care of a child. The first instance of parental leave can be applied for a period of up to 12 months, and a written application can be submitted to extend this leave for a further period of 12 months. This extension request must be submitted at least 4 weeks before the end of the available parental leave period. C.E.M. Alliance Management then has the right to accept or refuse the request based on reasonable business grounds (See Fair Work Act 2009 for more information).

At the end of their unpaid parental leave, an employee will be entitled to return to their pre-leave position or if that position no longer exists, then an available position for which the employee is qualified and suited nearest in status and pay to their previous position.

Employees may also be eligible for other types of leave and entitlements relating to the birth or adoption of a child in accordance with the Fair Work Act 2009, such as transfer to a safe job and no safe job leave. See the Fair Work Act 2009 for more information.

#### 7.1. APPLYING FOR PARENTAL LEAVE

Employees are required to give a minimum notice period of 10 weeks before starting their unpaid parental leave by filling out a CEM-ADM-FRM-009 Leave Request. In instances where an employee is unable to give 10 weeks' notice then they need to provide as much notice as is practicable. A pregnant employee may also be required to take unpaid parental leave within 6 weeks before the expected date of birth the child in accordance with the Fair Work Act 2009.

If applying for paid maternity leave through Centrelink then please refer to: <https://www.humanservices.gov.au/individuals/services/centrelink/parental-leave-pay>.

C.E.M. Alliance can act as an intermediary and receive the funds on the employee's behalf and then pay them through the payroll process or alternatively, the employee can arrange for Centrelink to pay the funds directly to them.

C.E.M. Alliance may ask the employee for reasonable evidence of the expected date of birth or of the date of placement of an adopted child. If an employee can't provide evidence requested by C.E.M. Alliance, then they won't be entitled to the leave.

An employee is not entitled to take paid personal/carer's leave or compassionate leave while he or she is taking unpaid parental leave. An employee will also not be entitled to any payment in respect of community service leave while taking unpaid parental leave.

#### 7.2. APPROVAL FOR PARENTAL LEAVE

As per the Fair Work Act 2009, any reasonable request for parental leave that has been submitted in line with the above guidelines will not be refused by C.E.M. Alliance.

## **8. COMMUNITY SERVICE LEAVE**

Community service leave can be taken by all C.E.M. Alliance employees upon production of evidence that the employee is involved in voluntary emergency management activities or has been selected for jury duty.

Community service leave is unpaid for voluntary emergency management activities with a recognised emergency management body, such as the State Emergency Services. It is expected that new employees notify C.E.M. Alliance of any current and ongoing involvement in emergency management services. Employees wishing to join an emergency management service are encouraged to have a discussion with their Manager prior to joining to ensure that C.E.M. Alliance is aware of any potential community service leave that will be required by the employee.

An employee on community service leave for jury duty is entitled to be paid what they could have reasonably expected to have been paid during their absence. Employees are expected to assist C.E.M. Alliance with lodgment of a reimbursement for lost income from the Department of Justice.

### **8.1. APPLYING FOR COMMUNITY SERVICE LEAVE**

C.E.M. Alliance should be advised as soon as is reasonably practicable of the need for an employee to be released to perform community service, although there is an understanding that service for emergency management activities may have short notice periods. Employees are expected to have made their involvement in emergency management services known to C.E.M. Alliance prior to being required to take community service leave.

All employees must complete a CEM-ADM-FRM-009 Leave Request and have it approved by their Line Manager and then sent through to Head Office for Payroll purposes.

For jury duty, the employee is expected to also produce evidence with their leave form to prove that they were engaged in jury duty.

C.E.M. Alliance may also request for evidence that would satisfy a reasonable person that the employee was engaged in emergency management services during the applied community services leave period.

### **8.2. APPROVAL FOR COMMUNITY SERVICE LEAVE**

As per the Fair Work Act 2009, any reasonable request for community service leave that has been submitted in line with the above guidelines will not be refused by C.E.M. Alliance.

## **9. DEFENCE RESERVIST LEAVE**

Unpaid defence reservist leave is available to any employee who is deployed by the Navy, Army and Air Force of Australia as part of their Reservist duties. Reservists are protected from discrimination, disadvantage or dismissal for reasons associated with their Defence service. C.E.M. Alliance will not prevent or hinder Reservists from undertaking defence service, however it is expected that employees will provide as much notice as is reasonably practicable of the dates that they will take Defence reservist leave.

It is expected that new employees notify C.E.M. Alliance of any current and ongoing involvement in Australian Defence Reservist activities. Employees wishing to join the Australian Defence Reserves are encouraged to have a discussion with their Manager prior to joining to ensure that C.E.M. Alliance is aware of any potential defence reservist leave that will be required by the employee.

### **9.1. APPLYING FOR DEFENCE RESERVIST LEAVE**

C.E.M. Alliance should be advised as soon as is reasonably practicable of the need for an employee to be released to perform defence service duties. It is expected that the employee will assist C.E.M. Alliance with a claim for an employer support payment scheme (ESPS) by providing all documentation required. It is also expected that fill-in employees should have access to reasonably up to date manuals, processes and procedures to ensure continuity of workflow whilst the reservist is on leave.

All employees must complete a CEM-ADM-FRM-009 Leave Request and have it approved by their Line Manager and then sent through to Head Office for Payroll purposes as soon as is appropriate.

Whilst C.E.M. Alliance has no legal obligation to provide a top-up pay to employees on defence reservist leave, it will be assessed on a case by case basis if the ESPS will be used to top up the employee's pay to, no more than, their ordinary working hours.

### **9.2. APPROVAL FOR DEFENCE RESERVIST LEAVE**

As per the Fair Work Act 2009, any request for defence reservist leave that has been submitted in line with the above guidelines will not be refused by C.E.M. Alliance.

## 10. QUICK REFERENCE GUIDE TO TYPES OF LEAVE

Type of Leave	Accrued Entitlement	Length of Entitlement	Paid	Accumulate Year on Year	Sign Off By	Entitlement to Use	Mandatory Documentation	Further Evidence that Might be Requested
Annual leave	Accrued as per the employee's applicable award		Yes	Yes	Supervisor	Upon application		
Personal Leave	Accrued as per the employee's applicable award		Yes	Yes	Supervisor	For caring of or assisting yourself, immediate family members or household members during illness or family emergencies	Doctors Certificate for a period greater than 1 day	
Leave without Pay	No		No	No	Manager	Only to be used when all other applicable leave types have been exhausted		
Compassionate & Bereavement leave	No	2 days per occurrence	Yes	No	Manager	Can be used with the death or life-threatening illness or injury of an immediate family member		C.E.M. Alliance may request evidence in the form of a death or funeral notice or
Family & Domestic Violence Leave	No	5 days per year	No	No	Manager	To deal with family & domestic violence both personally and for immediate family members	Reasonable evidence or documents to support the application	
Parental leave	No	Up to 12 months initially with option to extend for an additional 12 months	By the Australian Government via C.E.M. Alliance payroll	No	Manager	With the birth or adoption of a child		Evidence of expected date of birth or adoption of child
Community Service Leave	No	On a case by case basis	Emergency services – No Jury Duty – Yes	No	Manager	Employee is entitled to take community service leave whilst they are in service to the community	Evidence of engagement in activity	