

GPAC STAFF LEAVE AND TERM BREAK

Policy and Procedures



Grays Point Activity Centre (GPAC) aims to comply with all state legislation and the Childrens Services Award relating to accrual and apportioning all leave entitlements. GPAC uses Network as a benchmark for developing processes relating to staff entitled to be paid during term breaks.

Policy

Entitlements contained in this policy reflect the minimum provisions of the Workplace Relations Act 1996 (the 'Act') and Australian Fair Pay and Conditions Standard.

Long Service Leave (LSL) entitlements are based on relevant State Long Service Leave legislation. All employees working in New South Wales are entitled to the minimum provisions of the NSW Long Service Leave Act 1955.

Part One Staff Leave Conditions

Procedure

All staff are required to complete the GPAC leave form when taking any form of leave. The form needs to be completed prior to taking annual leave, parental leave or long service leave, however when leave is unexpected such as sick leave the form needs to be completed when the employee returns to work. Supporting evidence such as medical certificates can be attached to the form.

Sick Leave / Carers Leave

Sick Leave is to be used in situations where an employee is unable to attend work due to personal injury or illness or due to the need to care for or support a member of their immediate family or household because of personal illness or injury of the family member or an unexpected emergency affecting the member (Carers Leave).

Full-time employees are entitled to 10 days paid Personal Leave per annum. The personal leave accrues on a monthly basis with any unused portion accumulating from one year to the next.

Part-time employees accrue paid Personal Leave on a pro rata basis.

Casual employees are not entitled to paid Sick / Carers Leave. Casual staff cancelling shifts need to follow standard notification periods as noted below.

Notification of leave - Staff must contact the Coordinator directly. If the Coordinator is unavailable, the employee must contact the next most senior person at the centre.

Notification should be conveyed as soon as possible. In cases when replacement staff must be organised, at least 24 hours' notice is preferred. If 24 hours is not possible, an absolute minimum of one hour before a morning shift and four hours notice before an afternoon shift. In all other cases, notification must occur by the normal commencement time of the sick employee. The employee should also indicate, if possible, the expected length of the absence.

GPAC may require an employee to provide satisfactory evidence of incapacity for work when an employee is absent from work the day before and/or after a public holiday or weekend, and if the employee is absent for more than one day work (two days or more).

Unused Sick / Carers leave is not paid out on termination of employment.

Medical Certificates are to be dated and signed by an authorised medical practitioner and completed in accordance with standard practice. GPAC reserves the right to reject a Medical Certificate if it does not conform to the appropriate standards.

Compassionate Leave

GPAC Staff are entitled to take two days of paid compassionate leave for each permissible occasion when a member of his or her immediate family or household is suffering from a serious or life-threatening personal injury or illness, or dies. Further time may be agreed upon by the GPAC Coordinator and a Management Committee member.

All permanent GPAC staff are entitled to paid compassionate leave. Casual Staff are entitled to taking unpaid compassionate leave.

Annual Leave

GPAC Staff accrue annual leave according to the Children Service Award entitlements. Typically a fulltime employee will accrue 20 days annual leave per year of employment. Permanent part-time employees are entitled to a pro-rata amount of leave. New Staff are required to work 6 months prior to accessing any annual leave.

GPAC Staff are required to give at least 4 weeks notice of taking annual leave unless in exceptional circumstance.

All leave requests are required to be approved by the GPAC Coordinator prior to the staff taking leave.

Casual Staff are not entitled to accruing or taking annual leave.

GPAC may deem a closure period of up to 4 weeks per year. Typically this would be held during the summer holiday period whereby permanent Staff are entitled to take their accrued annual leave. When an employee does not have sufficient annual leave accrued for this period of time they will be entitled to leave without pay for the remainder of the closure period. GPAC are required to give all employees at least 6 months notice of the closure period.

All staff are encouraged to plan and take leave during school holiday periods.

Parental Leave

GPAC complies with the Fair Work Act 2009 (Cth) in respect of parental leave.

Staff have an entitlement to a maximum 52 weeks of unpaid parental leave in relation to the birth of a child, or in relation to the adoption of a child under the age of sixteen years.

Provided the total amount of leave taken does not exceed 52 weeks, Staff may apply to take any annual leave or long service leave to which they are entitled, in lieu of unpaid parental leave. The taking of other paid leave does not break the continuity of the unpaid parental leave. Staff are not entitled to take personal/carer's leave, compassionate leave or community service leave while taking unpaid parental leave.

Approval must be obtained prior to taking parental leave. Staff must give at least ten weeks' notice in writing to the Coordinator that they intend to take parental leave. Staff must provide a medical certificate from an authorised medical practitioner advising of the pregnancy and giving the

expected date of the birth. In the case of adoption Staff need to bring copies of documentation providing by the registered adoption agency.

Staff will only be entitled to take parental leave if they are full time or part time employees and have, or will have, completed 12 months continuous service at the date of the birth of the child or at the day of placement of the adopted child, or will be, a long term casual employee who would have had a reasonable expectation of continuing employment on a regular and systematic basis.

Staff may be replaced during their parental leave. Before this replacement employee is engaged, GPAC will inform that person of the temporary nature of the employment and of the rights of the employee being replaced to return to that role at the end of their parental leave or earlier.

If an employee is entitled to unpaid parental leave, the employee must provide GPAC with a medical certificate for the last six weeks before the birth of the child stating whether she is fit for work or not. The medical certificate simply needs to state if the person can safely carry out their duties and/or and modifications to duties. If the certificate states that the person is unfit for work then the unpaid parental leave commences from the date of the certificate.

An employee on parental leave may resign from their employment at any time during the period of leave by notice given in accordance with the terms of their employment.

GPAC acknowledges the complexities of parental leave and advises that any alterations to these conditions may be approved by writing to the Management Committee. Examples may be an extension to the 12 month leave period, or giving early leave rights due to pregnancy complications.

Long Service Leave

In accordance with the NSW Long Service Leave Act 1955, (LSL) is two months paid leave after ten years service with the same employer and one month paid leave for each additional five years service.

Full-time, part-time and casual employees, will be entitled to LSL after working for an unbroken period of ten years. This shall be calculated on a pro-rata basis. LSL of part time and casual employees is calculated based on the average of the previous five years and two years and paid the greater amount.

LSL can be taken in one continuous period of leave or in part, but must be negotiated with the GPAC Coordinator. Staff need to give equivalent time notice of taking LSL, for example taking one months leave requires one month notice.

An employee who has completed five years (but less than ten years) of service is entitled to a long service pro rata payment if he or she resigns as a result of illness, incapacity, domestic or other pressing necessity, or their position is made redundant. An application is required in writing to the GPAC Management Committee for approval.

Public Holidays

GPAC recognises all Public Holidays as gazetted by the NSW State government without loss of pay.

Permanent part-time employees are entitled to NSW gazetted public holidays that fall on their normal allocated days without loss of pay.

Leave without Pay (LWOP)

Management Committee approval is required to authorise all requests for Leave Without Pay. Approval is at the sole discretion of GPAC as there is no entitlement to LWOP. An application for LWOP for the gainful purpose of Jury Duty, emergency services work such as SES or volunteer bushfire brigade duties or similar circumstances can be made in writing to the Management Committee and can be approved with common consent via email. This can be approved post leave if the situation arises.

Only permanent staff can access leave without pay. Permanent staff are obliged to plan when they cannot attend work, and to apply for annual leave, or in the case of part-time staff negotiate shift exchanges via the roster in consultation with the Coordinator.

Casual staff are required to cancel their shift giving a preferred notice time of 24 hours.

Unauthorised Leave

Employees who take leave without authority and who do not advise the GPAC Coordinator or their assistant within the appropriate time of the commencement of their shift that they are unable to attend, may be considered to have abandoned their employment.

Part Two – Term Breaks

GPAC has a primary focus of providing out of school hours care for children at Grays Point Public School.

Currently GPAC provides pupil free day care for children based on market demand.

Currently GPAC does not provide vacation care for children, however this may be reviewed depending on market demand.

Term breaks are defined by the school holidays as gazette by NSW Department of Education.

Term Time Staff

When GPAC employs a permanent employee defined as Term Time Staff employment is only paid during school terms and on pupil free days when rostered to work. Term Time Staff are not entitled to paid term breaks, however may utilize their annual leave during term breaks. Term Time Staff conditions may be reviewed annually with options for working term breaks due to operational requirements of the centre. This is ratified as a formal agreement and a new employment contract would be issued with a review date inclusive.

Term Break Staff

When GPAC employs a permanent employee defined as Term Break Staff employment is paid during school terms, pupil free days when staff are rostered to work, and during school holidays. Normal public holiday conditions apply. Similarly with Term Time Staff conditions may be reviewed annually with options for working term breaks due to operational requirements of the centre. This is ratified as a formal agreement and a new employment contract would be issued with a review date inclusive. Currently GPAC acknowledges existing employment contracts.

Term Break Staff are not entitled to split shift allowances during term break periods.

GPAC closure periods.

GPAC may deem a service closure period of up to 4 weeks per year. Typically this would occur during the summer school holidays. As a result of the closure period no staff would receive paid employment. Notification is made to all staff 6 months in advance. Staff may use their annual leave entitlements during this time.

Term Break Duties

GPAC Permanent Staff that are employed as Term Break Staff are required to maintain their work hours during school holiday periods with the exception of when they are taking leave, or during service closure periods. Staff are required to notify the Coordinator of their contact details as the centre may not be accessible during school holidays. Staff are required to be contactable during agreed rostered periods of work.

An annual schedule of service administration requirements will be established each year by the GPAC Coordinator. These requirements need to be broken down into tasks and allocated accordingly to individual staff for completion during term breaks.

Tasks may include:

- Program preparation for the upcoming term
- Preperation for pupil free days
- Review National Quality Framework documents and complete outstanding work
- Review reports and documentation for inclusion support plans
- Purchase resources

Senior Staff may keep a record of additional hours that they have worked during the term and take time in lieu during term breaks in return. Documented evidence needs to be retained by the GPAC Coordinator. This may include time off in return for volunteering time during school fete days as an example.

ENDORSEMENT BY THE SERVICE:

Approval date: _____

Date for Review: _____

