

PROCEDURES

LEAVE PROCEDURES

Human Resources Branch

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1. Introduction

- 1.1.1. The National Library recognises that appropriate access to leave entitlements is an important aspect of a healthy and productive workplace. These procedures outline the various leave types available to employees and the application and approval processes for employees and their supervisors to follow.
- 1.1.2. Unless otherwise stated, part-time employees will accrue leave on a pro-rata basis in accordance with their approved hours of work.
- 1.1.3. Non-ongoing employees have the same entitlements to leave as ongoing employees, unless otherwise stated. Generally casual employees, however, receive additional remuneration (loadings) in lieu of leave entitlements (other than Long Service Leave).

2. Definitions

Approved hours of work	for part-time employees means the agreed ordinary number of hours to be worked over a pay period, not including any flextime or overtime.
APS	means the Australian Public Service.
Casual	APS employee engaged to work on an irregular or intermittent basis and does not accrue leave entitlements such as Annual or Personal/Carer's leave.
Catastrophic Emergency	Is an event that affects one or more communities and exceeds the capability of existing State and Territory emergency and disaster management arrangements to immediately meet the needs of those requiring assistance. The declaration of 'catastrophic' emergency alerts in 'at risk localities' is administered by the relevant State and Territory Governments.
Confinement Date/Date of Confinement	expected due date of a baby (relevant in applications for parental leave).
Delegate	the person delegated to approve leave, within the Library's Human Resource delegations, as amended from time to time.
Director-General	the Director-General of the National Library of Australia as established under section 17 of the <i>National Library Act 1960</i> , or their delegate.
Division Head	the person responsible for the operation of the Division in which the employee works.

Employee	An Australian Public Service (APS) employee employed at the National Library of Australia under the <i>Public Service Act 1999</i> .
Fair Work Act	<i>Fair Work Act 2009</i> .
Household	includes: <ul style="list-style-type: none"> • immediate family; and • the people residing with the employee, although not necessarily dependent on the employee.
Immediate Family	the following are members of an employee's immediate family: <ul style="list-style-type: none"> • partner, child, parent, grandparent, grandchild, guardian, ward or sibling of the employee; and • a child, parent, grandparent, grandchild or sibling of a Partner of the employee.
Long Service Leave Act	means the <i>Long Service Leave (Commonwealth Employees) Act 1976</i> .
Maternity Leave Act	means the <i>Maternity Leave (Commonwealth Employees) Act 1973</i> .
NES	means National Employment Standards regulated under the <i>Fair Work Act 2009</i> as part of the employment safety net.
Non-ongoing employee	APS employee engaged for a specified term or for the duration of a specified task, excluding Casual Employees.
Ongoing employee	APS employee engaged in an ongoing basis.
Partner	means: <ul style="list-style-type: none"> • husband or wife (or former husband or wife) of the employee; or • de facto partner (or former de facto partner) (i.e. same sex or opposite sex).

Rostered Employee	<p>means an employee whose name appears regularly on a roster as part of their normal duties, which includes weekend and evening work.</p> <p>Rostered employees may work an ordinary flextime week between 7:00am and 9:00pm Monday to Friday, and 8:00am and 5:00pm on Saturday and Sunday, subject to operations requirements and the agreement of the employee's supervisor.</p>
Supervisor	means the person responsible for directing the work of the employee.
Unauthorised leave	Absence from the workplace without the approval of the supervisor or delegate. Unauthorised leave is unpaid and does not count as service.

3. Types of Leave

3.1.1. Library employees have access to a range of leave entitlements, depending on their category of employment and length of service. These include:

- a. Annual leave (also referred to as Recreation leave);
- b. Personal/Carer's leave;
- c. Compassionate Leave;
- d. Long Service Leave;
- e. Parental Provisions:
 - i. Maternity Leave
 - ii. Adoption Leave
 - iii. Foster Carer's leave
 - iv. Partner Leave
- f. Miscellaneous Leave (with or without pay*);
- g. Community Service Leave:
 - i. Defence Reservist leave
 - ii. Voluntary Emergency Services leave (with or without pay)
 - iii. Jury Service leave
- h. Aboriginal and Torres Strait Islander community or cultural leave;
- i. Purchased Leave;
- j. Study leave (and studies assistance); and
- k. Compensation leave.

*Miscellaneous Leave without pay is sometimes referred to as leave without pay (LWOP)

4. Annual Leave

4.1. Purpose of Annual Leave

- 4.1.1. Annual leave is to provide employees with the opportunity for a reasonable break from work to allow an appropriate work/life balance, usually for recreation purposes. Employees are encouraged to take their annual leave accrual each year.

4.2. Accrual

- 4.2.1. Subject to section 4.2.4 full-time employees accrue 20 days paid annual leave each year. Accrual of annual leave for part-time employees is pro-rata based on the employee's approved hours of work.
- 4.2.2. Employees whose normal working pattern requires them to work Saturdays, Sundays and/or Public Holidays (other than overtime) will accrue up to five additional days annual leave as follows:

Number of Saturdays, Sundays and/or Public Holidays (per calendar year)	Additional annual leave
Up to 10	One day
Between 11 and 20	Two days
Between 21 and 30	Three days
Between 31 and 40	Four days
41 or more	Five days

- 4.2.3. Annual leave accrues and is credited daily. Employees absent on unauthorised or Miscellaneous Leave without pay that does not count as service for annual leave will not accrue annual leave for that period.
- 4.2.4. The additional annual leave entitlement at section 4.2.2 is calculated based on the hours worked on the Saturday, Sunday and/or Public Holidays, and is credited every January or when the employee ceases from the Library, whichever is sooner.
- 4.2.5. An employee who receives compensation under the Safety, Rehabilitation and Compensation Act 1988 for more than 45 weeks will accrue annual leave on a pro-rata basis based on the hours worked.

4.3. Cashing out of annual leave

- 4.3.1. The Delegate may approve an application by an employee to cash out annual leave of up to 10 days each 12 month period as a lump sum on the following basis:
- the employee has already used a minimum of 15 days annual leave, pro-rata for part-time employees, in the current calendar year;
 - the minimum application to cash out annual leave is five consecutive days, pro-rata for part-time employees;

- c. the employee will have at least 20 days of annual leave remaining after the cashing out, pro-rata for part-time employees; and
- d. the employee will be paid their normal rate of pay in lieu of the amount of annual leave cashed out by the employee including allowances that would have been received by the employee while on annual leave.

4.4. Approval to take annual leave

- 4.4.1. Annual leave is subject to the approval of the Delegate and counts as service for all purposes.
- 4.4.2. During recognised holiday periods such as Christmas and other school holidays, it is expected that a supervisor will seek from employees their leave proposals in advance, and formulate a leave management schedule to ensure that sufficient staff are available for duty at all times. Over time, the supervisor is expected to ensure that equitable access to preferred leave dates occurs during such periods.

4.5. Excessive accumulated annual leave

- 4.5.1. Employees are responsible for ensuring that they use an adequate amount of annual leave each year. If an employee has more than 40 days accrued annual leave (pro-rata based on the Agreed Hours of Duty for part-time employees) at any time, the Delegate may, on four weeks' notice to the employee, direct the employee to take up to one quarter of the employee's accrued annual leave.
- 4.5.2. To assist employees in managing excess annual leave balances, HR Branch report monthly to employees and their supervisors when the employee's annual leave balance exceeds 35 days.

4.6. Leave of less than one day

- 4.6.1. Annual leave may be used for absences of less than one day.

4.7. Payment on Separation

- 4.7.1. Where employees cease employment with the APS, they will receive payment in lieu of unused annual leave, calculated up to the day of cessation.
- 4.7.2. Payment will be calculated using the employee's final 'normal rate of pay', including allowances that would have been included in the employee's pay during a period of annual leave.

5. **Personal/Carer's Leave**

5.1. Accrual

- 5.1.1. Subject to section 5.1.2, full-time ongoing and non-ongoing employees will accrue 18 days paid Personal/Carer's leave each year and part-time employees accrue Personal/Carer's leave based on their approved hours of work.
- 5.1.2. An employee who receives compensation under the Safety, Rehabilitation and Compensation Act 1988 for more than 45 weeks will accrue paid Personal/Carer's leave on a pro-rata basis based on the hours worked.

- 5.1.3. Personal/Carer's leave accrues and is credited daily. Employees absent on Miscellaneous Leave without pay that does not count as service for Personal/Carer's leave or unauthorised leave will not accrue Personal/Carer's leave for that period.
- 5.1.4. Full-time ongoing employees, on their initial ongoing engagement, will be credited with 18 days paid Personal/Carer's leave. Part-time ongoing employees will be credited with paid Personal/Carer's leave on a pro-rata basis in accordance with their approved hours of work. Ongoing employees will then start accruing Personal/Carer's leave from the first anniversary of their engagement, subject to section 5.1.3.
- 5.1.5. Non-ongoing employees who are subsequently engaged on an ongoing full-time basis will be credited with 18 days paid Personal/Carer's leave and employees engaged on an ongoing part-time basis will be credited with 18 days pro-rata paid Personal/Carer's leave upon commencement of their ongoing employment. As per section 5.1.4 and subject to section 5.1.3, these employees will then start accruing Personal/Carer's leave from the first anniversary of their engagement.

5.2. Taking Personal/Carer's leave

- 5.2.1. Personal/Carer's leave may be taken by an employee:
 - a. because the employee is not fit for work because of a personal illness, or injury affecting the employee;
 - b. to provide care or support to a member of the employee's Immediate Family or Household member who requires care or support because of a personal illness, or personal injury affecting the member or an unexpected emergency affecting the member;
 - c. for whole or part days. Where practicable, the employee must give notice prior to the absence of the intention to take Personal/Carer's leave, or otherwise notify of such absence as soon as possible; and
 - d. if they are prevented from attending work on the basis of a catastrophic emergency warning affecting their home and it would be too dangerous for them to travel to work as result of the emergency.
- 5.2.2. An employee may apply to the Director-General for approval to use part of their Personal/Carer's leave for any other personal circumstances in accordance with the National Employment Standards.

5.3. Evidence

- 5.3.1. Employees are expected to provide medical or other satisfactory evidence for periods in excess of three days of unscheduled leave, or when previously advised of the requirement by their supervisor or delegate for personal/carer's leave.
- 5.3.2. Where evidence is required by the Delegate, the following documents could be provided:
 - a. Personal illness or injury – a certificate from a registered health practitioner. If this is not reasonably practicable, the employee may be required to provide a statutory declaration outlining the reasons for the Personal/Carer's leave, or a hospital attendance or admission form.

- b. Carer's leave – a certificate from a registered health practitioner. If this is not reasonably practicable, the employee may be required to provide a statutory declaration outlining the reasons for the Personal/Carer's leave, a hospital attendance or admission form or independent evidence from a child care centre.
 - c. Bereavement – death notice or death certificate (This is in addition to the Compassionate Leave entitlement outlined in section 11).
 - d. Appointments – a copy of the invoice or other related supporting documentation
 - e. Break in at home – a copy of the police report or other evidence of attending police
- 5.3.3. A Delegate can require supporting documentation when an employee is considered to have taken excessive periods of unsupported leave or appears to have a pattern of leave taking (for example the employee takes every Friday off after payday).
- 5.3.4. A Delegate shall require supporting documentation when an employee is requesting re-credit of their annual leave due to a personal illness or injury or carer's leave or any other form of leave, other than parental leave.
- 5.3.5. In addition, once an employee has submitted their resignation or retirement to the Library or has accepted a promotion or transfer to another organisation, they are expected to provide medical or other evidence when taking Personal/Carer's leave up to their date of exit.
- 5.4. Fit to return to duty
- 5.4.1. Where medical evidence provides that employees are unfit for duty, employees cannot report for duty until:
 - a. The period specified in the medical certificate has expired, or
 - b. A further medical certificate is provided that confirms the employee is now fit for duty.
- 5.5. Factors for Delegates to Consider
- 5.5.1. Delegates shall consider the leave application using appropriate information. This could include:
 - a. Length of time requested and frequency of such requests by the employee;
 - b. Nature of the illness or injury;
 - c. Nature of caring role (dependency of the employee);
 - d. Other options available, e.g. other carers, childcare facilities, flexible working patterns;
 - e. Impact on the employee; and
 - f. Impact on the work area (e.g. deliverables, other staff, clients).
- 5.6. Extended Periods of Personal/Carer's leave
- 5.6.1. Extended periods of Personal/Carer's leave for personal illness or injury may require effective and active management under other health and safety legislation and its duty of

care to employees, colleagues and clients. The Library can request an independent assessment of 'Fitness for Continued Duty' after a period of absence exceeding four weeks.

5.6.2. Supervisors of employees absent for periods greater than four weeks will contact employees. This establishes an expectation of the timing and frequency of contact from the workplace and may help employees not to experience feelings of isolation from the Library.

5.6.3. Where applicable, the Library will pursue a policy of 'early intervention' to assist Employees on long-term Personal/Carer's leave to return to normal or suitable duties.

5.7. Guidance

5.7.1. The following table provides general guidance on the duration of the leave to be approved:

Purpose		Description	Delegation	Normal Duration and Factors to be considered
1.	Ill or injured employee	Unfit for duty because of personal illness or injury	Supervisors from APS5 to Division Head	Evidence is expected to be provided for absences of more than three consecutive days. A Delegate can request supporting documentation when an employee is considered to have taken excessive periods of unsupported leave or appears to have a pattern of leave taking.

Purpose		Description	Delegation	Normal Duration and Factors to be considered
2.	Caring for a member of the employee's Immediate Family or Household	May be granted to an employee for the specific purpose of caring for members of their immediate family or household who are ill	Supervisors from APS5 to Division Head	<p>Evidence is expected to be provided for absences of more than three consecutive days.</p> <p>A Delegate can request supporting documentation when an employee is considered to have taken excessive periods of unsupported leave or appears to have a pattern of leave taking.</p> <p>Leave is to be used only for occasional, non-enduring situations while longer-term arrangements are being made, if necessary. Personal/Carer's leave cannot be used as a substitute for formal childcare arrangements, for example, during school holidays.</p>
3.	Death of a member of the Immediate Family or Household.	May be granted to an employee on the occasion of the death of a member of the employee's immediate family or household.	Supervisors from APS5 to Division Head	<p>Compassionate Leave of two days per occasion is available as a separate leave entitlement as per section 11.</p> <p>A further one day Personal/Carer's leave per occasion may be used as a guide but applications should be considered based on the individual circumstances of the employee, such as the need for travel etc.</p>
4.	Death of a friend or relative	May be granted to an employee on the occasion of the death of a friend or relative	Supervisors from APS5 to Division Head	<p>One day Personal/Carer's leave per occasion may be used as a guide for delegates based on the individual circumstances of the employee.</p>

Purpose		Description	Delegation	Normal Duration and Factors to be considered
5.	In case of a break in at home.	May be granted to attend police investigation and/or ensure security.	Supervisors from APS5 to Division Head	One day Personal/Carer's leave per occasion may be used as a guide for delegates.
6.	Medical, Dental, Physio Appointments	May be granted at the discretion of the delegate.	Supervisors from APS5 to Division Head	Appointments of a routine nature such as an annual medical check-up, dental appointments, blood tests etc should, wherever possible, be made in the employee's own time, including flextime, so as to create minimal disruption to the workplace. Where this is not practical or possible, Personal/Carer's leave can be used for such appointments and any unscheduled absences for medical reasons of less than one day.

5.8. Separation

5.8.1. Unused Personal/Carer's leave will not be cashed out under any circumstances, including upon separation.

5.9. Unpaid Personal/Carer's leave

5.9.1. Subject to Section 5.10, if an employee has exhausted their available paid Personal/Carer's leave credits, the employee will be granted:

- a. unpaid personal leave for use in respect of personal illness, or injury, of the employee; and
- b. unpaid carer's leave of up to two days for each occasion when a member of the employee's Immediate Family or Household member requires care or support during that period because of a personal illness, or injury, of the member or an unexpected emergency affecting the member.

5.10. Maximum period of continuous Personal/Carer's leave

5.10.1. There is no predetermined limit to the amount of accrued paid Personal/Carer's leave that may be taken. Unpaid Personal/Carer's leave is not available to employees where this would extend any period of continuous Personal/Carer's leave beyond 78 weeks. Where a period of continuous absence on account of illness or injury extends beyond 78 weeks, the further absence will not count as service for any purpose, except Long Service Leave.

5.11. Termination on invalidity grounds

5.11.1. An employee will not be retired on invalidity grounds before Personal/Carer's leave credits have expired, unless provided for in legislation.

5.12. Annual leave

5.12.1. The Delegate may approve other types of leave, with the exception of parental leave, during a period of annual leave if satisfactory medical evidence is provided. The employee's annual leave will be re-credited to the extent of the period of other leave granted.

5.13. Maternity Leave

5.13.1. An employee will not be entitled to paid Personal/Carer's leave during a period of paid leave under the Maternity Leave Act, including any extended period under Section 7.1.

6. Parental Provisions

6.1. Entitlement

6.1.1. An employee is entitled to an initial 12 months of unpaid parental leave if:

6.1.2. The leave is associated with:

- a. the birth of a child of the employee or the employee's spouse or de facto partner;
or
- b. the placement of a child with the employee for adoption or permanent fostering;
and
- c. the employee has or will have a responsibility for the care of the child.

6.1.3. After the initial period of up to 52 weeks of parental leave, an employee may request an extension of unpaid parental leave for a further period of up to 52 weeks. The second period of unpaid leave is to commence immediately following the initial leave period.

6.2. Application

6.2.1. Due to the complexity of the legislation that underpins the leave within the Parental Provisions employees should, and supervisors if necessary, consult with HR Branch prior to submitting their applications.

6.3. Evidence

6.3.1. Employees accessing Parental Provisions are required to provide copies of the appropriate paperwork to HR Branch to support their leave application as follows:

Leave Type	Evidence Required	When should be provided to HR Branch
Maternity Leave and unpaid Parental Leave if the leave is associated with the	Medical Certificate or letter from treating doctor outlining the expected date of confinement	At least six weeks prior to the employee commencing their Maternity Leave

Leave Type	Evidence Required	When should be provided to HR Branch
birth of a child of the employee or the employee's spouse or de factor partner)	Copy of baby's birth certificate	Within three months of the birth of the baby
Partner Leave (of spouse or de facto who has given birth)	Medical Certificate or letter from treating doctor outlining the expected date of confinement OR copy of baby's birth certificate	Within two weeks of return to work after leave taken
Adoption Leave and Partner Leave (of spouse or de facto of primary carer who is adopting) and unpaid Parental Leave if the leave is associated with the placement of a child with the employee for adoption	Copy of extract of relevant legal documentation relating to adoption	Prior to the leave commencing
Foster Carer's Leave, Partner Leave (of spouse or defector of primary carer who is fostering) and unpaid Parental Leave if the leave is associated with the fostering of a child	Copy of extract of relevant legal documentation relation to the fostering arrangement	Prior to the leave commencing

7. Maternity Leave

7.1. Entitlement

- 7.1.1. Employees are entitled to 12 weeks Maternity Leave as provided for in the Maternity Leave Act. Paid Maternity Leave is available to those employees who have completed a minimum period of 12 months continuous employment in the Australian Public Service. An employee may choose to take the leave at half pay over a 24 week period. If an employee elects to take the Maternity Leave at half pay, the additional leave beyond 12 weeks will not count as service for any purpose.

7.1.2. An employee who is entitled to 12 weeks paid Maternity Leave under the Maternity Leave Act will be granted a further two weeks paid Maternity Leave which is to be taken immediately after the completion of the 12 weeks referred to in Section 7.1.1. This additional entitlement may be taken at half pay over a period of 4 weeks. If an employee elects to take the additional Maternity Leave at half pay, the additional leave beyond the two weeks will not count as service for any purpose.

7.2. Taking Maternity Leave

7.2.1. If an employee elects to have their Maternity Leave, at sections 7.1.1 and 7.1.2, paid at half pay, the period of time which does not count as service must be taken immediately after the initial 14 week period.

7.2.2. The standard absence from duty starts six weeks before the expected confinement date unless the employee has a medical certificate stating her fitness to work up to a specified date closer to the expected date of confinement. In cases where an employee has the baby early, her Maternity Leave commenced on the date of birth of the baby.

8. Partner Leave

8.1. Entitlement

8.1.1. An employee who is not the primary care giver, is entitled to 10 days paid Partner Leave within 60 calendar days of the birth, adoption or fostering of a dependent child. An employee may elect to take paid Partner Leave at half pay over a period of up to 20 days.

8.1.2. In addition to paid leave at section 8.1.1, employees are entitled to 12 months unpaid parental leave, 15 days of which may be taken as concurrent supporting Partner Leave in accordance with the Fair Work Act.

9. Adoption Leave

9.1. Entitlement

9.1.1. An employee who is the primary care giver of an adopted child (up to 16 years of age at the time of adoption), will be entitled to 14 weeks paid Adoption Leave.

9.1.2. Employees are entitled to unpaid Adoption Leave in accordance with the Fair Work Act as provided for in section 6.1.

9.1.3. The adopted child must not be (otherwise than because of the adoption) a child or step-child of the employee or the employee's partner. This period of leave will be reduced by any period of paid parental leave provided under section 8.1.1.

9.1.4. An employee may elect to take Adoption Leave at half pay. Any additional unpaid leave beyond the period specified in section 9.1.1 will not count for service for any purpose.

10. Foster Carer's Leave

10.1. Entitlement

10.1.1. An employee who is the primary care giver of a fostered child (up to 16 years of age at the time of fostering), will be entitled to 14 weeks paid Foster Carer's Leave.

- 10.1.2. Employees are entitled to unpaid Foster Carer's Leave in accordance with the Fair Work Act as provided for in section 6.1.
- 10.1.3. The fostered child must not be (otherwise than because of the fostering) a child or step-child of the employee or the employee's partner. This period of leave will be reduced by any period of paid parental leave provided under section 8.1.1.
- 10.1.4. The leave provided for in this clause applies in relation to a child for whom the employee has assumed long term responsibility arising from the placement of the child by a permanent fostering arrangement:
 - a. by a person/organisation with statutory responsibility for the placement of the child; and
 - b. where the child is not expected to return to their family.
- 10.1.5. An employee may elect to take Foster Carer's Leave at half pay. Any additional unpaid leave beyond the period specified in section 10.1.1 will not count for service for any purpose.

11. Compassionate Leave

11.1. Entitlement

- 11.1.1. Consistent with the provisions of the Fair Work Act, an employee is entitled to a period of up to two days paid Compassionate Leave for each occasion when a member of the employee's immediate family or household:
 - a. contracts or develops a personal illness that poses a serious threat to her or his life;
 - b. sustains a personal injury that poses a serious threat to her or his life; or
 - c. dies.
- 11.1.2. Compassionate Leave may be taken as a single, unbroken period of two days, two separate periods of one day, or as otherwise approved by the Delegate.
- 11.1.3. The Delegate may require satisfactory evidence for a period of Compassionate Leave.

12. Long Service Leave (LSL)

12.1. Purpose of Long Service Leave

- 12.1.1. LSL is intended to provide employees with a substantial break from work after a period of service that is 10 years or longer.

12.2. Accrual of Long Service Leave

- 12.2.1. Under the Long Services Leave Act 1976 (LSL Act), LSL accrues at the rate of 3/10 of a month (nine calendar days) for each completed year of service, resulting in a credit of three months after 10 years continuous Government service.
- 12.2.2. Leave accrues at either a full-time or part-time rate according to the employee's approved hours of work.

12.2.3. The LSL accrual date is deferred by unauthorised or miscellaneous leave without pay that does not count as service for long service leave purposes.

12.3. Application and approval to take Long Service Leave

12.3.1. Employees who have worked both full-time and part-time have full-time and part-time credits of LSL and may elect to use either full-time and/or part-time entitlement.

12.3.2. Employees may elect to take LSL at either full-pay or half-pay.

12.3.3. LSL accrues in calendar days and therefore the taking of LSL is in calendar days.

12.3.4. The Delegate may approve applications for LSL of a minimum seven calendar days or more provided the period does not exceed the employee's Long Service Leave credit at that time and does not result in a greater entitlement than under the LSL Act.

12.3.5. In the case of LSL at half pay the minimum period that a Delegate can approve is 14 calendar days.

12.4. Separation

12.4.1. Where an employee ceases employment with the APS, they will receive payment in lieu of their unused LSL balance plus any accrued pro-rata LSL, as provided for under the LSL Act.

12.4.2. Payment in lieu of LSL will be made to employees with less than 10 years service, and who therefore do not have a LSL balance if they cease employment with the APS due to age retirement; redundancy, invalidity retirement; death or resignation due to ill health (conditions apply).

12.4.3. Payment will be calculated using the employee's final 'normal rate of pay', unless the employee has been in receipt of Higher Duties allowance for a period in excess of 12 months, in which case payment will be calculated using the 'normal rate of pay' plus the Higher Duties allowance.

13. Miscellaneous Leave

13.1. Approval of Miscellaneous Leave

13.1.1. The Delegate may approve Miscellaneous Leave, either with or without pay, for a variety of purposes.

13.1.2. Miscellaneous Leave will be granted having regard to the operational needs of the Library, including for a purpose that the Delegate considers to be in the interests of the APS.

13.1.3. Miscellaneous Leave may be granted:

- a. for the period requested or for another period;
- b. with or without pay; and
- c. subject to conditions.

13.1.4. Where leave is refused the Delegate will advise the employee in writing of the reason for the decision.

13.2. Guidance

13.2.1. The following table provides general guidance on the duration of the leave to be approved and whether paid Miscellaneous Leave is appropriate:

Paid Miscellaneous Leave				
Purpose		Description	Delegation	Normal Duration and Factors to be considered
1.	War service sick leave.	Unfit for duty because of personal illness or injury	Supervisors from APS5 to Division Head	Consider whether the Employee is unfit for duty due to a war caused medical condition. Normally have access to nine weeks leave full pay on commencement. Normal allowance of three weeks full pay per annum. Maximum of nine weeks leave available at any one time.
2.	Returned soldiers pension and medical services.	May be granted to attend medical attention, prosthetic treatment or medical review.	Supervisors from APS5 to Division Head	Need for satisfactory evidence of the need for leave. Normally up to two weeks per year.
3.	Attendance at approved international sporting events.	May be granted to an Employee who is an accredited official or competitor to attend an approved international sporting event.	Division Head	Normally only for the time needed to attend the listed sporting event plus reasonable travelling time. Not intended for voluntary guides, liaison officers, personal coaches and the like.
4.	Graduation or naturalisation.	May be granted to Employees on their graduation or naturalisation	Supervisors from APS5 to Division Head	Normally only one day.

Paid Miscellaneous Leave				
Purpose	Description	Delegation	Normal Duration and Factors to be considered	
5.	Blood, plasma or platelet donation	May be granted to Employees to visit a Red Cross Blood Donor Centre as a donor	Supervisors from APS5 to Division Head	Employees may be granted up to two hours paid leave to visit a Red Cross Blood Donor Centre as a donor once every three months. A leave application is not required, however the absence must be recorded on the flexsheet
6.	Cultural, ceremonial and NAIDOC purposes (for example – Eid ul-Fitr muslim holiday)	May be granted to Employees to celebrate or for attendance at culturally specific ceremonies, holidays or celebrations	Division Head	Normally only one day.

13.2.2. The following table provides general guidance on the duration of the leave to be approved and whether unpaid Miscellaneous Leave is appropriate:

Unpaid Miscellaneous Leave				
Purpose	Description	Delegation	Normal Duration and Factors to be considered	
1.	Any other approved purpose.	May be granted at the discretion of the Director-General or Delegate.	Supervisors from EL1 to Division Head	Not specified Limits apply for the following delegates listed: Branch Heads (EL2) – three months Section Sections (EL1) – one week

14. Community Service - Defence Reservist Leave

14.1.1. The Delegate may grant an employee Defence Reserve Leave, with or without pay, to enable the employee to fulfil Reserve or full time Australian Defence Force (ADF) obligations. There is a minimum entitlement that APS Agencies must provide Defence Reservists. The Library supports the work of Defence Reservists and in doing so provides the following:

- a. Four weeks (20 working days/28 calendar days) leave on full pay each year for Reservists undertaking Defence service;
- b. Two weeks paid leave for Reservists to attend recruitment or initial employment training;
- c. Additional leave for service, either on a paid, unpaid or top-up pay basis;
- d. Reservists leave entitlements can accumulate and be taken over a two year period;
- e. Leave (paid or unpaid) will count as service for all purposes – the exception being when a period or periods of leave without pay in excess of six months will not count as service for annual leave purposes;
- f. Provide Reservists with continued access to other components of their remuneration package during periods of Defence service (for example: superannuation (subject to the rules of the superannuation schemes), studies assistance, salary increases); and
- g. Commitment to keep Reservists informed of developments in the workplace whilst the Reservists are undertaking training or are on deployment.

15. Community Service - Voluntary Emergency Services Leave

15.1.1. The Delegate may grant an employee Community Service Leave, with or without pay, to enable the employee to participate in emergency services duties. This includes leave for regular training, emergency services responses, reasonable recovery time and ceremonial duties.

15.1.2. Factors that the Delegate will consider when approving payment will include the Library's operational requirements, the reasons for the leave including the location of the emergency, whether other options are available, normal community obligations and whether the employee receives a gratuity (or similar payment) for engaging in the activity.

16. Community Service – Jury Leave

16.1.1. The Delegate may grant an employee Community Service Leave, with or without pay, to enable the employee to attend jury service.

16.1.2. Employees need to provide evidence of being called for jury service and proof of attendance.

- 16.1.3. If the employee receives payment from the appropriate authorised body for jury service they will be required to reassign this payment to the National Library. It is the Library's preference that employees decline the payment for jury service.

17. Aboriginal and Torres Strait Islander Community and Cultural Leave

17.1. Entitlement

- 17.1.1. Aboriginal and Torres Strait Islander (ATSI) employees may apply for up to three days per annum paid leave in any calendar year for community and cultural reasons.
- 17.1.2. In addition, ATSI employees can apply for additional unpaid leave for community and cultural reasons, for example to meet with obligations under traditional and kinship relationships. Any additional leave beyond the period specified in section 17.1.1 will not count for service for any purpose.

18. Purchased Leave

18.1. Purchase of additional paid leave

- 18.1.1. Employees may apply to purchase additional leave on an annual basis with salary deductions for the nominated period averaged over the year rather than deducted at the time the leave is take.
- 18.1.2. In general the maximum amount that can be purchased is six weeks. Employees who apply for greater than six weeks are required to submit a business case to the Delegate indicating the benefits to themselves and the feasibility of their absence to the Library to support their application.
- 18.1.3. Subject to section 18.1.5, the amount of leave purchased and the timing of the leave taken will be subject to agreement between the employee and the Delegate. In extenuating circumstances the Delegate may agree to more than one such request in a year.
- 18.1.4. When considering an application for Purchased Leave, the Delegate will take into account the employees annual leave balance with regards to excess annual leave – refer section 4.5.1.
- 18.1.5. Purchased Leave will not be approved as an alternative to part time employment, where it would have the effect of providing an advantage for superannuation purposes and accrual of annual, Personal/Carer's and Long Service Leave.
- 18.1.6. In extenuating circumstances the Delegate may agree to a request from an employee to cancel the Purchased Leave arrangement and return deductions made for Purchased Leave not yet taken.
- 18.1.7. If an employee makes use of the Purchased Leave arrangements, the value of the additional leave will be deducted from his/her fortnightly salary in instalments over a maximum period of 26 pay periods or a lesser period as requested by the employee.

- 18.1.8. If, after purchasing leave a Library employee accepts a temporary move to another agency their Purchased Leave will be acquitted. If they have utilised more Purchased Leave than what they have paid for, they will be required to repay the Library from their last pay/s prior to commencing their temporary move. If they have utilised less Purchased Leave than what they have paid for, the Library will refund them in the pay immediately after their temporary move commences. On their return to the Library the employee would need to re-apply to purchase additional leave.
- 18.1.9. If an employee has exhausted all of their paid leave (annual, long service and purchase leave) and has approval to take Miscellaneous Leave without pay, their Purchased Leave will be acquitted and they will be required to repay the Library from their last pay/s prior to commencing on unpaid leave.
- 18.1.10. Approved Purchased Leave must be taken by 31 December in the calendar year in which it is purchased and will count as service for all purposes.
- 18.1.11. Purchased Leave may be used for absences of less than one day.

19. Study Leave

19.1. Overview

- 19.1.1. Details of Study Leave and Study Assistance are set out in the Library's Study Provisions for Staff Policy.
- 19.1.2. Study Leave Provisions include:
- a. approval for attendance at lectures, tutorials, workshops, seminars, practical sessions, residential schools, course enrolment sessions, examinations or graduation ceremonies during work hours;
 - b. study time to work on assignments or prepare for examinations or to assist in the completion of coursework;
 - c. Financial assistance for the reimbursement of all or some of tuition fees; and
 - d. Workers' Compensation coverage for approved study activities during work time and at work locations other than the applicant's home.

19.2. Approval

- 19.2.1. Employees wishing to access the Library's Study Leave Provisions must apply for both Approved Student Status and Study Leave, and if required, financial assistance.
- 19.2.2. Study leave cannot be accessed prior to being granted Approved Student Status by the Division Head.
- 19.2.3. Approved Student Status does not automatically entitle employees to study leave, or financial assistance.

19.3. Study leave: face to face students

- 19.3.1. Approved Students studying face to face may apply for Study Leave for a scheme of study.

- 19.3.2. The amount of leave which may be approved is flexible and provides for attendance and travel. This is in addition to any compulsory residential components that require employees to be present on campus.
- 19.3.3. An Approved Student is entitled to paid examination leave, and travel time to and from compulsory examinations which are part of an approved scheme of study.
- 19.3.4. Employees may request additional types of leave such as flex leave or annual leave to meet their study commitments.
- 19.4. Study leave: external / remote study
- 19.4.1. Approved Students may apply to undertake a scheme of study through distance education.
- 19.4.2. Up to three hours per week (pro-rata for part time employees) may be approved to assist in the completion of coursework. This is in addition to any compulsory residential components that require employees to be present on campus.
- 19.4.3. An Approved Student is entitled to paid examination leave, and travel time to and from compulsory examinations which are part of an approved scheme of study.
- 19.4.4. An Approved Student undertaking external study activities may apply paid study leave to attend compulsory residential or courses or any other type of activity which is essential for the successful completion of the scheme of study.
- 19.4.5. If residential are held, the portion of the residential conducted during the employee's normal working hours may be approved as study leave.

20. Compensation Leave

20.1. Overview

- 20.1.1. Employees who have a work-related injury or illness that have an accepted Workers Compensation claim under the Safety, Rehabilitation and Compensation Act 1988 may be eligible for incapacity benefits whilst unable to work as a result of the accepted work-related injury or illness.
- 20.1.2. For periods of compensation leave up to a total of 45 weeks compensation leave is payable at a rate equal to 100% of the employees normal weekly earnings.
- 20.1.3. For periods of compensation leave longer than a total of 45 weeks, compensation leave is payable based on the percentage of normal weekly hours worked during the week.
- 20.1.4. All leave taken as compensation leave must be supported by an appropriate medical certificate from the employee's medical provider.
- 20.1.5. An employee who receives compensation under the Safety, Rehabilitation and Compensation Act 1988 for more than 45 weeks will accrue annual and Personal/Carer's leave on a pro-rata basis based on the hours worked.

21. Procedures

21.1. Leave Applications

- 21.1.1. Where possible, applications for leave should be made on-line through the Library's Employee Self Service system (ESS), and employees are responsible for ensuring that they have sufficient accrued leave prior to submitting an application for consideration by the Delegate.
- 21.1.2. Approval must be obtained for all planned leave prior to the employee accessing leave, and leave applications should be submitted with reasonable notice.
- 21.1.3. Delegates are expected to respond to leave requests promptly. Where a leave application is not approved, the delegate will provide clear reasons to the employee and will discuss alternative options if applicable.
- 21.1.4. Where an employee wishes to extend a period of approved leave or where the circumstances of the leave change, the employee should consult their supervisor prior to lodging an application. In the case of lengthy periods of leave, and in particular unpaid leave, the employee and supervisor should also advise the HR Branch to avoid a risk of overpayment.
- 21.1.5. Applications to apply for additional leave should be in writing and submitted to the delegate through the employee's supervisor.

21.2. Notification of unscheduled leave

- 21.2.1. Where an employee is required to take unscheduled leave such as Personal/Carer's the employee must notify their supervisor of the need for leave as soon as possible and in any case (unless impractical), before 10:00 am on the day of absence unless otherwise agreed in advance. It is expected that the employee will speak to their supervisor in person rather than use SMS or email as the means of notification.
- 21.2.2. Employees should notify their supervisor as soon as possible when required to take any other form of unscheduled leave.

21.3. Combining types of leave

- 21.3.1. Employees may choose to apply for combinations of leave - for example, annual leave followed by Long Service Leave, followed by leave without pay. Conditions apply to the sequence of leave when Long Service Leave is involved.
- 21.3.2. Generally, it is not acceptable to interrupt a period of leave without pay or leave at half pay with leave at full pay, if the effect is to obtain advantage of public holidays that fall within the period of leave without pay or half pay.
- 21.3.3. An employee may not use other forms of leave to break a period of Long Service Leave (LSL) in order to obtain a benefit to which the employee would not otherwise be entitled. For example, a period of LSL cannot be broken by a period of annual leave to take advantage of public holidays.
- 21.3.4. A period of LSL cannot be broken over a weekend or a public holiday to gain advantage of the public holiday and/or to increase LSL entitlement.

21.3.5. When planning combinations of leave over a long period, employees and their supervisors should consult HR Branch for guidance on the acceptable way to arrange the sequence of leave.

21.4. Evidence

21.4.1. The Delegate may require satisfactory evidence for a period of

- a. Personal/Carer's leave;
- b. Compassionate Leave;
- c. Parental leave;
- d. Miscellaneous Leave;
- e. Community Service leave;
- f. Study leave; and
- g. Compensation leave.

21.4.2. Employees will be given advance notice of the requirement for evidence for Personal/Carer's leave.

21.5. Recording absences

21.5.1. Employees participating in flextime are encouraged to use those provisions rather than other forms of leave for absences of less than one day.

21.5.2. Leave absences should be recorded on Timekeeper or whatever method as agreed by the Library.

21.5.3. An employee cannot accrue flex on days when leave is taken for a part or full day.

21.6. Review of the delegate's decision

21.6.1. Where leave is not approved, an employee may seek a review of decision under the Library's Review of Actions provisions.

22. Keeping in Touch

22.1.1. The Library encourages employees on extended leave to maintain contact with the Library and in particular their immediate work area. Some ideas to assist in facilitating this include:

- a. Prior to commencing leave, the employee and their manager to discuss options for keeping in contact with the workplace and employee. This would include an agreement on when and how regularly contact would be made and initiated by whom.
- b. Provide personal contact details including phone numbers and email addresses and agree on who will have access to these
- c. Assigning to a colleague the responsibility of providing regular updates and important information via email to the absent employee
- d. Inviting the absent employee to social events, including farewell morning teas and special lunches

22.1.2. In circumstances where an employee is absent on extended personal/carer's leave and has not provided their personal contact details to their immediate work area will be contacted by HR Branch.

23. Implementation process

How will we implement this policy? The Leave Procedures will be implemented with the assistance of DSUs and be accessible on MyNLA. Consultation with the staff Consultative Committee will occur.

Existing staff will be made aware of the changes to the Procedure through the corporate email folder and new staff will be made aware of the Procedure during the online Induction process.

24. Revision

This policy will be reviewed following the implementation of the next Enterprise Agreement, which is expected to be in July 2020.

25. References and related documents

What are the key references for this policy? The following documents and/or legislation were considered when developing this policy

Leave Policy

Flexible Working Hours Policy

Review of Actions Policy

National Library of Australia Enterprise Agreement 2017 - 2020

Fair Work Act 2009

National Employment Standards

Long Service Leave (Commonwealth Employees) Act 1976

Maternity Leave (Commonwealth Employees) Act 1973

Work Health and Safety Act 2011

Privacy Act 1988

Public Employment (Consequential and Transitional) Amendment Act 1999

Public Service Act 1999

Safety, Rehabilitation and Compensation Act 1988

Are there other documents related to this policy?

The following documents are related to this policy (for example – instructions to staff, notices, posters, MyNLA pages).

Review of Actions Procedures