Leave Policy

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1 Purpose

The purpose of this policy is to outline the Department of Communities and Justice's (DCJ) approach to managing leave entitlements.

Department employees have access to a variety of leave arrangements (paid and unpaid) that enable the Department to balance work with rest and recreation, to meet family and community responsibilities and for other specific purposes.

Both managers and employees in the Department are expected to work together to ensure business and individual needs are met and leave entitlements are used to support a positive work life balance.

2 Background and policy links

This policy and the Leave Procedure, including Discussing Unplanned Absences (such as sick, FACS and other unplanned leave) – A Guide for Managers, replace all previous Department of Family and Community Services and Department of Justice policies, procedures and guidance material relating to leave entitlements, with the exception of the Corrective Services NSW Sick Leave Policy, Business Rules, Manager's Guide and Information Sheet.

The Corrective Services NSW Sick Leave Policy details responsibilities for managing sick leave specific to employees and managers in Corrective Services NSW. However, Corrective Services NSW employees and managers must refer to this policy for all other leave types.

Information about leave can also be found on the intranet or ServiceNow (where applicable) including specific instructions on how to apply for and manage the types of leave listed below. You may also contact the service desk in Communities and Justice Shared Services.

Where information is not available, the relevant industrial award should be referred to for specific entitlements. The types of leave commonly set out in DCJ awards include:

- annual leave loading
- family and community services (FACS) leave
- leave without pay (LWOP)
- parental leave (including maternity, adoption, and other parental leave)
- sick leave
- special sick leave
- purchased leave scheme (including purchased leave agreement)
- recreation leave (including cash out excessive recreation leave)

- special leave (including jury service, court witness, examinations, NAIDOC celebrations, religious and cultural observance and other purposes)
- study time and leave
- domestic and family violence leave
- military leave
- union leave
- leave in lieu/time in lieu (Toil)
- unauthorised leave without pay.

This policy and the Leave Procedure should also be read in conjunction with the following relevant policies and procedures:

- Workplace Adjustment Procedure
- Work Health and Safety policies and procedures
- Corrective Services NSW Sick Leave Policy (for employees and managers in Corrective Services NSW only)
- for information about **work related** injuries and illnesses see the Department's Injury Management policies and procedures
- for information about **non-work related** injuries and illnesses see the Procedures for Managing Non-Work Related Injuries or Health Conditions: D2010-018, Public Service Commission
- for information about managing **absenteeism** in the workplace see the Department of Premier and Cabinet Circular C2020-10 Managing Sick Leave Policy
- for information about **managing excess recreation leave,** refer to the Treasury Circular Industrial Relations Managing Accrued Recreation Leave Balances TC 16-03.

3 Definitions

The table below is a list of terms, keywords and/or abbreviations used throughout this document and the Leave Procedure.

Term	Definition
Manager	For the purpose of this policy and the Leave Procedure, managers are responsible for managing attendance records, leave balances and approval processes for employees under their supervision in accordance with the relevant delegations.

Term	Definition
Employee	Ongoing, temporary and casual employees within the Department.
Leave	Provisions available to employees under relevant industrial instruments and/or legislation to cover absences from work. For descriptions of the types of leave that are available, you should check the relevant award. These are listed in Section 4.

4 Scope and application

This policy applies to all ongoing, temporary and casual employees within the Department. Some types of leave are only available to some groups of employees. You should check your award or the relevant directive for the details and conditions of leave you can apply for.

This policy does not extend to other agencies within the Stronger Communities Cluster.

5 Policy statement

Taking leave is important to employee productivity and wellbeing, and is integral to the Department's system of internal controls. Managers and supervisors will work collaboratively with employees to plan and schedule leave in accordance with the employee's entitlements.

6 Legislation, Awards and Directives

6.1 Legislation

- *Government Sector Employment Act 2013 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Health Records and Information Privacy Act 2002 (NSW)*.

6.2 Awards

For a complete description of leave entitlements, you should refer to the relevant award:

- *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 (NSW)*
- *Nurses' (Department of Family and Community Services - Ageing, Disability and Home Care) (State) Award 2019*
- *Crown Employees (NSW Department of Communities and Justice) Residential Centre Support Services Staff Award 2019*

- *Crown Employees NSW Department of Communities and Justice - (Community Living Award) 2019*
- *Crown Employees (NSW (Department of Communities and Justice Youth Justice) - 38 Hour Week Operational Staff 2019) Reviewed Award*
- Court Reporters' Enterprise Agreement
- *Crown Employees (Correctional Officers, Department of Communities and Justice - Corrective Services NSW) Award*
- *Crown Employees (Correctional Officers, Corrective Services NSW) Award 2007 for Kempsey, Dillwynia, Wellington and John Morony Correctional Centres*
- *Crown Employees (Senior Assistant Superintendents and Assistant Superintendents, Department of Justice – Corrective Services NSW) Award 2009*
- *Crown Employees (Transport Drivers &c.) Award 2019*
- *Transport Industry (State) Award*
- *Crown Employees (General Managers, Superintendents, Managers Security and Deputy Superintendents, Department of Attorney General and Justice - Corrective Services NSW) Award 2009*
- *Crown Employees (Education Employees Department of Communities and Justice Corrective Services NSW) Award 2019*
- Housing NSW Call Centre Operator Agreement

6.3 Directives

- Department of Premier and Cabinet Circular C2020-10 Managing Sick Leave Policy
- NSW Treasury Circular 14-12, Purchased Leave Policy
- Procedures for Managing Non-Work Related Injuries or Health Conditions: D2010-019, Public Service Commission
- M2018-03-Support for Employees Experiencing Domestic and Family Violence
- Treasury Circular Industrial Relations Managing Accrued Recreation Leave Balances TC 16-03
- Treasury Circular Industrial Relations NSW - Accessing Leave Entitlements and Flexible Work Hours Arrangements to Observe Days of Religious Significance TC 14-14
- Public Sector Industrial Relations Guide.

7 Roles and responsibilities

The main roles and responsibilities for the implementation of this policy and the Leave Procedure are as follows:

7.1 Employee responsibilities

- discuss applications for planned leave with your manager
- lodge applications for planned leave before taking leave
- ensure leave applications are submitted in good faith with adequate supporting details as required and in a timely manner, using SAP Employee Self Service (SAP ESS) or by Leave E-Form and/or Application for Leave of Absence Form where available
- if you are unable to come to work because of illness, natural disaster, or another emergency, notify your manager or follow local notification procedures as soon as possible. Only in exceptional circumstances should another person notify your manager of your absence from the workplace on your behalf
- provide documentation to support applications for leave where required and/or when reasonably requested as soon as possible
- accurately record daily attendance and absences as soon as employee returns from absence
- take at least two (2) consecutive weeks of recreation leave every 12 months, unless other arrangements are agreed with your manager,
- and ensure you do not accrue more than six (6) weeks recreation leave at any time
- comply with directions to take leave where required to comply with leave accrual limits or if your manager considers that you:
    - are unable to carry out your duties
    - risk impairing your health, safety or wellbeing by reporting for duty
    - pose a risk to the health, safety or wellbeing of other employees
- when on any form of long-term leave, ensure your manager has your current contact details so they can invite you to be part of the consultation process for any changes that may impact you, such as policy or organisational changes.

7.2 Manager responsibilities

- administer leave arrangements in accordance relevant legislation, awards, NSW Government directives, the Department's policies and delegations
- ensure that leave applications are dealt with equitably, considering the needs of individuals and the operational needs of the team

- provide reasons if a leave application is declined
- may direct a member of their team to take leave if they:
  - are unable to carry out their duties
  - risk impairing their health, safety or wellbeing by reporting for duty
  - pose a risk to the health, safety or wellbeing of other employees, clients, or members of the public
  - maintain a recreation leave balance of no more than six (6) weeks or the part time equivalent, in accordance with the Treasury Circular Industrial Relations Managing Accrued Recreation Leave Balances TC 16-03
- reconcile time sheets and leave records regularly, ensuring that required documentation has been provided and any errors are corrected promptly
- ensure leave applications are formally approved/declined in a timely fashion
- be sensitive in accommodating the needs of employees requiring access to their leave entitlements and flexible work hours for the purposes of observing days of religious significance
- monitor recreation leave of employees to ensure that accrued leave balances do not exceed six (6) weeks at any time
- monitor sick leave and other unplanned absences as an indication of employee welfare and initiate action if concerns arise
- notify payroll promptly when a team member is absent without authority or on unpaid leave to ensure that overpayments are not made
- when a team member is on any form of leave over a long period of time, take reasonable steps to give the employee the opportunity to be part of the consultation process for any changes that may impact them, such as policy or organisational changes.

8 Support and assistance

Assistance or support in relation to this policy and the Leave Procedure is available from:

- your manager
- your People Business Partner representative
- Service Desk, Communities and Justice Shared Services or ServiceNow (where applicable)
- the intranet.

9 Document information

Document name	Leave Policy
Applies to	All Department of Communities and Justice ongoing, temporary and casual employees.
Replaces	Department of Family and Community Services Leave Policy, Procedures and Managers Guide for Discussing Unplanned Absences Department of Justice Sick Leave Policy and Guidelines
Document reference	SUB21/29150
Approval	People and Engagement Subcommittee (PESUB) 4 February 2021
Version	1.0
Commenced	15 March 2021
Due for review	16 March 2023
Policy owner	Workforce Strategy, Inclusion and Systems

10 Support and advice

Who can people go to if they need more advice?

Business unit	Workforce Strategy, Inclusion & Systems People, Corporate Services
Email	HRPolicyGovernance@facs.nsw.gov.au