

# Leave Procedure

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## 1 Purpose

This procedure supports the commitment of the Department of Communities and Justice (DCJ) to administer leave arrangements in accordance with relevant legislation, awards, NSW Government directives and DCJ policies.

It describes the processes in place in DCJ to:

- apply for planned leave
- notify unplanned leave
- keep records of leave
- monitor absences and leave accruals.

These processes may vary depending on where employees work and local management practice. This procedure should be read in conjunction with the [Leave Policy](#) and replaces all previous Department of Family and Community Services and Department of Justice procedures and guidance material relating to leave entitlements, with the exception of the Corrective Services NSW Sick Leave Policy, Business Rules, Managers Guide and Information Sheet.

The [Corrective Services NSW Sick Leave Policy](#) and procedures details responsibilities for managing sick leave specific to employees and managers in Corrective Services NSW. For all other leave types, Corrective Services NSW employees and managers must refer to this procedure.

## 2 Types of leave

Employees may be entitled to a range of different types of leave, depending on their circumstances and entitlements. These include:

- extended leave
- family and community services (FACS) leave
- leave without pay (LWOP)
- leave for matters arising from domestic violence
- military leave
- parental leave (maternity, adoption, and other parental leave)
- purchased leave
- recreation leave

- sick leave (including sick leave to care for a family member<sup>1</sup>)
- special leave<sup>2</sup>, to engage in activities such as:
  - jury service
  - to be a witness at court
  - attend examinations for an approved course of study
  - union activities
  - return home (after transfer or temporarily living away from home)
  - NAIDOC celebrations
  - other purposes, if approved
- special sick leave
- study time leave

For details of the leave entitlements that are available, employees should refer to their award or the relevant NSW Government directives; these are listed in the Leave Policy. For further information, please refer to the leave fact sheets.

## 3 Roles and Responsibilities

### 3.1 Employees

#### 3.1.1 Monitor leave entitlements

Employees can monitor their leave entitlements by reviewing them in myWorkZone, SAP Employee Self Service (SAP ESS) or on their payslip.

#### 3.1.2 Communicate with their manager

For planned leave, this conversation must occur as far in advance as possible to allow managers time to consider and make arrangements to address the operational needs of the team.

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<sup>1</sup> As per the [Crown Employees \(Public Service Conditions of Employment\) Reviewed Award 2009](#), the employee must be responsible for the care and support of the person concerned and the person must be a spouse or defacto spouse of the employee; a child or an adult child (including an adopted child, a step child, a foster child or an ex-nuptial child), parent (including a foster parent or legal guardian), grandparent, grandchild or sibling of the employee or of the spouse or de facto spouse of the employee; a same sex partner who lives with the employee as their de facto partner; a relative of the employee who is a member of the same household, where "relative" means a person related by blood, marriage, affinity or Aboriginal kinship structures; "affinity" means a relationship that one spouse or partner has to the relatives of the other; and "household" means a family group living in the same domestic dwelling.

<sup>2</sup> Special leave provisions are contained in clause 84 of the [Crown Employees \(Public Service Conditions of Employment\) Reviewed Award 2009](#) and in the [Public Sector Industrial Relations Guide](#).

Employees may wish to utilise [Let's Talk](#) to help plan for the conversation. Let's Talk is a toolkit to support a simple and structured approach to having conversations that are open and respectful.

For unplanned leave such as illness, natural disaster, an emergency or caring for a family member employees must notify their manager as soon as possible and advise the estimated duration of the unplanned leave. In exceptional circumstances, employees can arrange for another person to notify managers on their behalf.

Telephone is the preferred method of contact. An email or text message may be accepted where these arrangements have been agreed to, in advance, between managers and employees.

Please see Annexure 1 for specific divisional approval process.

### 3.1.3 Requesting leave

**Apply for leave as soon as possible via myWorkZone or SAP ESS.**

If employees do not have access to myWorkZone or SAP ESS, they can complete a manual application form located on the Intranet and submit this to their manager.

### 3.1.4 Supporting documentation

When employees apply for more than two consecutive days of sick leave, they must provide medical evidence (a medical certificate or other evidence) of illness from a registered health services provider.

In remote areas, where it is challenging to access a medical practitioner, DCJ will accept a certificate from a pharmacist. These certificates will be accepted for absences of up to five days. Where employees are absent for more than five days, they must provide evidence from a registered medical practitioner.

If employees are unsure whether the area they live in is considered as a remote area, they should discuss this with their manager.

Employees will not normally be asked to provide supporting documentation for recreation and extended leave applications. However, managers may ask employees to provide reasons for requesting leave if:

- they require it to decide between competing applications from different employees
- they are assessing any operational impact or impact on service delivery
- a long period of leave is being requested.

### 3.1.5 Leave approval process

Once a leave application has been submitted, managers or approving delegates will check if the employee is entitled to the leave applied for, review any supporting documentation (where required) and approve or decline the application using myWorkZone or SAP Manager Self Service (SAP MSS), where available, or notify the employee.

If a manager or approving delegate declines a leave application, they must advise employees as soon as possible so they can consider other options (e.g., arrange to take leave at another time or take another form of leave). Managers must give reasons for declining the application and discuss alternative arrangements with employees.

Please see Annexure 1 for specific divisional approval process.

### 3.1.6 Maintaining contact

While privacy must be maintained while on leave without unnecessary intrusion or interruption, having a means of communicating during planned leave enables managers to reach an employee in exceptional circumstances, or vice versa. For example, when significant changes in the workplace occur that may impact an employee who is on long term leave, there is an obligation to keep the employee informed. For this reason, employees must confirm their contact details with their manager and update them on any changes while on leave.

### 3.1.7 Keep records

Employees are responsible for keeping accurate records of their leave arrangements, this includes:

- recording all leave taken on flex sheets (where applicable)
- submitting a completed flex sheet to managers at the end of every flex period (where applicable)
- submitting leave requests and any changes via myWorkZone or SAP ESS (where available) or by Leave E-Form or Application for Leave of Absence Form for all leave in a timely way.

## 3.2 Managers

### 3.2.1 Establish expectations for absence notification and recording

Managers must share:

- expectations regarding attendance
- leave policies and procedures/business rules that apply

- information on how to report illness and injury related absences and the evidence employees need to provide, in accordance with the [WHS Incident Reporting Procedure](#)
- other related policies and the support services available, as referenced in the Leave Policy.

### 3.2.2 Consider leave applications

Managers must check that the employee:

- has leave available when making an application,
- meets any conditions associated with approving the leave
- has provided any supporting documentation that is required.

Managers may also need to consider whether or not:

- the period of the leave coincides with a peak period at work for the employee or the team
- others in the team have received approval for leave during the same period and approval would impact significantly on the capacity of the team to perform its functions.

Once managers have considered the application, they must approve or decline it in a timely and equitable manner using myWorkZone or SAP MSS (where available).

If an application is declined, managers must inform the employee as soon as possible so they can consider other options (e.g., arrange to take leave at another time).

### 3.2.3 Maintain contact

Managers must have a means of communicating with people in their team, including those who are absent on planned leave and unplanned leave.

Managers must respect the privacy of employees and allow them to take their leave without unnecessary intrusion or interruption.

Having a means of communicating during planned leave enables managers to reach an employee in exceptional circumstances, or vice versa. For example, when significant changes in the workplace occur that may impact an employee who is on long term leave, there is an obligation to keep the employee informed.

Maintaining contact with people in teams while they are absent on unplanned leave, whether their individual attendance record is satisfactory or otherwise, ensures adequate support is available and/or to facilitate their return to work.

Managers must contact an employee on short term (less than 6 weeks) leave if no contact has been made by the employee to:

- check on their wellbeing and discuss accessing the Employee Assistance Program (EAP) or other support, as appropriate
- ascertain a return-to-work date, if not provided
- provide an update regarding workplace changes
- determine if support is required to facilitate their return to work that may include making reasonable adjustments to work practices or using flexible work arrangements.

Where an employee is on long term leave due to illness/injury (over six weeks) managers must contact an employee to:

- confirm the preferred method of contact (i.e., phone, email, meeting at the workplace)
- check on their wellbeing and discuss accessing the Employee Assistance Program (EAP) or other support, as appropriate
- provide updates regarding workplace changes
- obtain updates of the prognosis for a return to work
- determine if support is required to facilitate their return to work that may include making reasonable adjustments to work practices or using flexible work arrangements.
- obtain updates as relevant to any proposed workplace adjustment to facilitate a return to work.

Managers may also wish to schedule regular or ad-hoc check-ins with the employee to discuss these matters.

Where an employee is unable to access myWorkZone or SAP ESS while on leave, managers may enter leave on their behalf, including any documentary evidence. Before this occurs, managers and employees should have a discussion about available leave balances and what leave type is most appropriate. Note, written consent is required from the employee to submit leave on their behalf.

### **3.2.4 Monitor planned and unplanned leave**

Managers must monitor the recreation leave balances of their team to ensure leave is taken in accordance with the relevant award.

Managers must monitor unplanned absences by:

- reviewing flex sheets where applicable and sighting the relevant medical certificate(s) or other medical evidence. Managers are not required to keep a

copy of medical evidence but must sight the medical evidence in order to approve the leave request

- reviewing relevant reports through myWorkZone or SAP MSS
- looking for indicators of potential sick leave absences of concern:
  - an emerging attendance pattern e.g., the employee is absent every Monday, or after public holidays or flex days
  - a decline in an employee's overall work performance
  - other potential causes of absenteeism, such as organisational and/or leadership change, forced relocation or redeployment, crisis in an employee's personal life, conflict arising between team members and/or supervisors, or staff survey results indicating low job satisfaction or dissatisfaction with management
- discussing attendance issues with the employee who has been absent and consider possible solutions for any issues that are raised. For guidance on how to have discussions about unplanned absences see [Discussing Unplanned Absences - A Guide for Managers](#).

### 3.2.5 Have a “welcome back” conversation with the employee

Depending on the length of time away from work, and the type of leave taken, a manager may wish to have a “welcome back” conversation with the employee. The purpose of this conversation is to discuss who they may need to speak with regarding any work developments and to check on their wellbeing including anything that may need to be discussed in private regarding their absence (e.g., accessing EAP, DV information or other supports).

If managers are aware that an employee has taken significant leave for their health, they should proactively ask them if they need an adjustment. By inviting them to share, gently and empathetically, they are directly contributing to creating an inclusive workplace culture. See the [Workplace Adjustment Procedure](#) and the Manager Conversation Guide – Workplace Adjustment Passport for information around exploring workplace adjustment needs.

## 4 Planned leave considerations

Employees must take at least two consecutive weeks of recreation leave every 12 months, unless other arrangements are agreed with managers..

In accordance with [C2020-12 Managing Accrued Recreation Leave Balances](#) all NSW government employees must ensure their recreation leave balances are no more than **30 days** or the part time equivalent.

Employees must ensure their recreation leave balances comply with the above.



Where leave accrual is at or above 30 days, employees and managers must plan and discuss opportunities to reduce leave balances.

Where pay in advance or advance leave loading is required, employees must apply for leave at least four weeks in advance.

Managers will monitor types of planned leave to ensure it is being used for the purposes for which it was approved e.g., for study leave, ensuring the employee has completed their enrolment and they are continuing with the course as per the agreed arrangement.

## 5 Unplanned leave Considerations

### 5.1 Absences of concern

Absences of concern that establish the need for an absence review according to [C2020-10 Managing Sick Leave Policy](#) may include:

- frequent unsupported absences - five cumulative days<sup>3</sup> of unsupported sick leave in a calendar year (not 5 separate instances of leave)
- an absence trend - for example sick leave absences taken just before or just after Mondays and Fridays, public holidays, recreation leave and/or rostered days off or flex leave or following an employee formally indicating departure by redundancy, resignation or retirement
- repeated failure to adequately notify an absence.

Where employees have previously disclosed a known illness, condition or disability, the above indicators may not apply. Managers should work with the employee to ensure they are supported in their roles. This may include making reasonable adjustments to work practices or using flexible work arrangements. Managers must also ensure they understand their role and responsibilities under the Workplace Adjustment Procedure and the Workplace Adjustment Hub.

When absences of concern are established, there are three steps that managers can initiate, depending on the situation:

1. Have an informal discussion with the employee.
2. If concerns persist, have a structured discussion with the employee.
3. If concerns persist, apply sanctions.

When absences of concern are established, managers can refer to [Discussing Unplanned Absences - A Guide for Managers](#).

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<sup>3</sup> Five cumulative days means, five total working days which will vary in hours depending on the employees Award.

Where DCJ has doubts about the possible nature or causes of the absence, managers can seek advice from their People Business Partner representative and/or Injury Management Officer.

## 5.2 Medical assessments

[M2010-18 Procedures for Managing Non-Work Related Injuries or Health Conditions](#) provides guidance with managing situations where an employee is likely to be absent from work for a period of more than two months. In these instances, managers can discuss obtaining further information from the employee's treating medical provider and/or referring them for an independent medical assessment, in consultation with their People Business Partner.

In the following circumstances, a decision might be made by DCJ to place an employee on special leave and arrange a medical assessment where:

- the employee has taken frequent, lengthy or numerous absences from work due to illness or injury, particularly where there is a lack of information about the employee's medical condition or circumstances, or the impact of the employee's condition upon their work is unknown and DCJ needs to be informed about the employee's performance of the inherent requirements of the role and any issues of workplace adjustment
- DCJ has a broad indication only about the nature of the employee's medical condition and where the nature of the employee's work is likely to be impacted by such a condition as known
- DCJ has received inconsistent information about the employee's health and capacity.

These assessments can help to confirm an illness and identify any workplace adjustments that may be required to return the person to work safely.

## 6 Medical evidence

When an employee applies for more than two consecutive days of sick leave, their manager must sight medical evidence (medical certificates or other evidence of illness from a registered health services provider), before approving an employee's sick leave application. This applies to unpaid and paid sick leave.

In some areas of DCJ employees are required to attach their medical evidence to their leave application in myWorkZone or SAP ESS. In other areas of DCJ managers should ask the employee if they can sight the medical evidence before approving a sick leave application. Managers will advise employees which process is relevant in their area.

In the event that an employee wants to return to work before the end of the prescribed sick leave period stated on the medical evidence, the employee must

seek clearance from the issuing practitioner and provide written evidence to their manager to sight, before they are able to return to work.

Where an employee has regular treatment or an ongoing illness, condition or disability, overarching medical evidence that substantiates the employee's initial condition may be acceptable (note, the medical evidence should be attached to each sick leave request). In these instances, employees and managers should discuss implementing a plan to support the employee. This may include making reasonable adjustments to work practices or using flexible work arrangements. Where overarching medical evidence is accepted, employees and managers should establish regular check in points to monitor any changes to the employee's circumstances. Managers can seek further advice from their People Business Partner in these instances.

Generally, managers should not retain copies of medical evidence, unless in certain prescribed circumstances such as:

- conduct investigations
- where there are lengthy absences from work
- for workplace adjustments, where there is the potential for a disability discrimination claim and/or for return to work purposes
- where there could be an issue of whether an illness or injury will result in a workers compensation claim
- where the information is relevant to a disciplinary process.

Medical records must only be used and stored in accordance with the [Health Records and Information Privacy Act 2002 \(NSW\)](#).

Generally, when employees are absent for more than two consecutive days but less than one week, evidence from a registered health services provider need only state that they are unfit for work. In instances where absences are for one week or more, medical evidence should indicate:

- the nature of the injury or illness
- the estimated duration of the absence and anticipated return to work date
- if the employee is able to return to work on altered/reduced duties and which duties can be undertaken on return, and
- what (if any) workplace adjustments are requested to return to work.

This will allow management to take any necessary and available steps to facilitate an employee's return to work. Medical evidence should also indicate if an employee is able to return to work on altered/reduced duties, and which duties can be undertaken on return.

These requirements also apply if sick leave is taken to care for a family member. The medical evidence should state that the family member who was ill required care and support.

If the employee has concerns about disclosing medical information to their manager, the application can be dealt with confidentially by another manager or by their People Business Partner.

For employees on unplanned leave for an extended period of time, managers may need to submit an application on the employee's behalf prior to their return to avoid overpayments.

## 7 Further support for employees

Employees can access confidential counselling by contacting DCJ's Employee Assistance Program (EAP) through Converge International. Converge is available 24 hours a day, 7 days a week via phone at 1300 687 327. Further information can be found on the [EAP intranet page](#).

If an employee is from a diverse background, they may also obtain further support by reaching out to one of the [DCJ Diversity Networks](#).

## 8 Assistance with this procedure

Assistance or support in relation to this procedure is available from:

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

## 9 Document information

Document name	Leave Procedure
Document reference	TRIM D23/2421611
Replaces	Leave Procedure V1.2
Applies to	All Department of Communities and Justice ongoing, temporary and casual employees
Policy administrator	HR Policy and Governance Workforce Strategy, Inclusion & Systems
Email	<a href="mailto:HRPolicyGovernance@dcj.nsw.gov.au">HRPolicyGovernance@dcj.nsw.gov.au</a>
Approval	People and Engagement Sub-Committee 13/10/2023

## 10 Version and review details

Version	Effective date	Reason for amendment	Due for review
2	16/10/2023	Policy review schedule	19/10/2026

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## 11 Annexure 1 - Local unplanned leave reporting

### How do I notify?

**Youth Justice:**

Contact must be made with the relevant supervisor unless other local arrangements apply at the centre.

**Child Protection Helpline employees:**

Telephone contact is the only method of contact and all employees are to contact the Helpline 'Sick Line' as soon as practicable, to allow workplace planning and managers to assess the impact and make alternative arrangements as required.

**Housing Contact Centre employees:**

Telephone contact is the only acceptable method of contact. Employees engaged in shift work roles must contact HCC management (managers, team leaders, operations team leaders and wherever practical, must provide reasonable notice before the commencement of the shift.

### When do I notify?

In the case of a staff member working flexible working hours, notification must be before core time on the day(s) of absence, unless local arrangements exist.

In the case of a staff member working shift work, notification must be given before the commencement of the shift and as early as possible to allow for replacement staffing. Where a staff member fails to contact his/her supervisor. Supervisors should arrange for the employee to be contacted as a duty of care and to obtain the reason for their absence.