



LEAVE POLICY

1. AUTHORITY

- 1.1. Section 6 of the *Department's Enterprise Agreement 2021-2024* (EA) contains provisions for leave.

ANNUAL LEAVE

2. PURPOSE

- 2.1. Annual leave assists employees to achieve an appropriate work/life balance and to refresh and recharge by taking a break from work.

3. ELIGIBILITY

- 3.1. All PM&C employees (excluding casuals) may apply for annual leave.

4. ACCRUAL OF ANNUAL LEAVE

- 4.1. Eligible employees receive four weeks paid annual leave for each year of service (pro-rata for part-time)
- 4.2. Annual leave accrues daily and counts as service for all purposes.
- 4.3. Miscellaneous Leave without pay not exceeding 30 days within a 12 month period will not count as service for annual leave purposes,
- 4.4. Where a shift worker performs ordinary duties outside of the span of hours and on at least one day on Saturday or Sunday for an ongoing or fixed period, they are entitled to an additional week of annual leave for each year of service.

5. USE OF ANNUAL LEAVE

- 5.1. Employees are encouraged to regularly use annual leave to ensure sufficient breaks are taken from the workplace. It is the responsibility of both employees and their managers to ensure they have regular time off.

- 5.2. Annual leave may be taken as an entire day or as a part day.
- 5.3. Employees with an annual leave balance of eight weeks or less may access annual leave at half pay. Employees with a balance of more than eight weeks must reduce their balance to eight weeks or less before they can access annual leave at half pay, unless otherwise approved by the delegate.
- 5.4. For example: Steph wants to use her 48 days of annual leave for an extended overseas holiday. Steph must take the first eight days of her holiday as annual leave at full pay, then can access her remaining balance of eight weeks at half pay for the rest of her holiday.
- 5.5. Annual leave credits are paid out on separation from the APS including any accumulated amounts since the last credit.
- 5.6. Annual leave should not be approved as an ongoing substitute for part-time working arrangements.

6. PUBLIC HOLIDAYS

- 6.1. An employee who is on annual leave at half pay on either side of a public holiday will receive payment for the public holiday at the full rate of pay. Where a public holiday occurs while an employee is on a period of paid annual leave the public holiday is not deducted from the employee's annual leave credit.

7. DIRECTION TO TAKE ANNUAL LEAVE

- 7.1. Where an employee's annual leave balance is approaching 40 days and there are no future periods of leave approved, the employee and their manager will agree on a leave management strategy to reduce their annual leave balance. Consideration should be given to individual circumstances, such as if the employee is planning to take a large period of annual leave in the near future.
- 7.2. If an employee's annual leave balance exceeds 40 days and the employee and their manager are not able to reach agreement on a leave plan, the delegate may direct the employee to take one or more periods of annual leave to reduce the balance to 40 days or below within the next 12 months. The delegate will provide 30 calendar days' notice.
- 7.3. An employee may not be directed to take annual leave where the employee:
 - has applied for more than two weeks of annual leave in the previous six month period and the application was not approved or the employee was recalled to duty
 - is following a leave management strategy to reduce the employee's amount of accrued leave, which has been agreed by the manager or
 - the employee is on a graduated return to work program following absence from the workplace on compensation leave.

8. CANCELLATION OF ANNUAL LEAVE

- 8.1. If an employee's annual leave is cancelled or the employee is recalled to duty while on annual leave, the employee will be re-credited the equivalent amount of leave cancelled. The Department will reimburse employees for reasonable costs incurred as a result of the annual leave being cancelled, for example additional holiday care for school-aged children or non-refundable travel costs. An employee will not be entitled to reimbursement if the costs incurred are otherwise recoverable.

9. CASHING OUT ANNUAL LEAVE

- 9.1. An employee may elect to cash out annual leave to a minimum balance of four weeks. Each cashing out of annual leave must be a separate agreement in writing between the delegate and the employee.
- 9.2. The employee must have taken at least five days of annual leave in the previous 12 months.
- 9.3. Annual leave will be cashed out at the rate the employee would have been paid had the employee taken the leave and will be taxed at the appropriate marginal tax rate. A manager should only approve cashing out of annual leave while an employee is acting on higher duties if the amount being cashed out has been accrued during the period of acting.
- 9.4. It is the responsibility of employees to ascertain any taxation implications associated with the cashing out of annual leave.

10. PERSONAL/CARER'S LEAVE DURING ANNUAL LEAVE

- 10.1. If an employee requires personal/carer's leave during a period of annual leave, the employee may apply to have the annual leave re-credited. The employee must provide satisfactory medical evidence to the delegate and must apply for personal/carer's leave for one day or longer.

11. APPROVAL PROCESS

- 11.1. Employees should first discuss the proposed leave with their manager, providing as much prior notice as possible.
- 11.2. An employee's access to leave must be balanced with the operational needs of the Department and will be considered by the delegate on a case-by-case basis.
- 11.3. Applications for annual leave will not be unreasonably declined.
- 11.4. Employees must obtain prior approval for all leave through the relevant approval process (such as Aurion or Service Portal) before the leave is taken, unless it is impractical to do so.
- 11.5. Where illness, injury or emergency prevent prior approval of the leave, employees should notify their manager as close as possible to the employee's normal

commencement time. Managers and employees have a responsibility to ensure the leave is recorded as soon as possible after the employee's return from leave. Where the period of leave is likely to exceed the employee's leave balance, the manager should notify HR Help to ensure an overpayment does not occur.



PURCHASED LEAVE

12. PURPOSE

- 12.1. Purchased leave enables employees to take time off during the year in addition to annual leave. Purchased leave may suit employees who wish to take additional blocks of time off during school holiday periods, to accommodate family responsibilities, to support employees seeking a study or career break, or pursuing other activities such as travel.

13. AUTHORITY

- 13.1. Section 6 of the *Department's Enterprise Agreement 2021-2024* (EA) contains provisions for purchased leave.

14. ELIGIBILITY

- 14.1. Employees may apply to purchase up to eight weeks (pro rata for part-time) of additional leave in a 12 month period.

15. TAKING PURCHASED LEAVE

- 15.1. Purchased leave counts as service for all purposes.
- 15.2. Purchased leave must be taken at full pay.
- 15.3. Purchased leave must be taken in a minimum period of five continuous days (or pro rata for part time employees), unless otherwise approved by the delegate.
- 15.4. Employees may combine any amount of purchased leave with other forms of leave, subject to operational requirements.
- 15.5. Purchased leave must be taken within a 12 month period from the date of purchase and cannot be carried over into a new year.
- 15.6. Purchased leave should not be approved as an ongoing substitute for part-time working arrangements.

16. FUNDING PURCHASED LEAVE

- 16.1. Purchased leave is funded by gross (pre-tax) salary deductions spread evenly over a 12 month period, or for a non-ongoing employee, over the life of their non-ongoing contract.

For example: Scott is a non-ongoing employee on a six month contract. Scott purchases 2 weeks' worth of additional leave and therefore the salary deductions are spread evenly across a period of up to six months (in line with the length of his

contract).

- 16.2. Purchasing additional leave will not reduce an employee's salary for superannuation purposes.
- 16.3. Purchased leave deductions will start on the first pay period after purchased leave is approved and will continue until the end of the 12 month period (or the life of the non-ongoing contract) in which it was purchased, or an earlier time where agreed. Purchased leave must be approved before the leave can be taken and deductions cannot commence after the purchased leave has occurred.
- 16.4. Payment for purchased leave is calculated using an employee's actual salary during the period of purchased leave, including higher duties allowance and other allowances.
- 16.5. Where an employee's salary changes during the 12 month period, such as after a performance appraisal, promotion or permanent move, salary deductions for purchased leave will be adjusted.
- 16.6. If an employee requests cancellation of purchased leave, or purchased leave cannot be used within the 12 month period due to operational requirements, a refund of the salary deducted will be paid through payroll as a lump sum as soon as possible.
- 16.7. Where an employee leaves PM&C, an adjustment will be made to the employee's final payment of salary for any leave purchased but not taken or leave taken but not paid for.

17. APPROVAL PROCESS

- 17.1. Employees should first discuss the proposed leave with their manager, providing as much prior notice as possible.
- 17.2. An employee's access to leave must be balanced with the operational needs of the Department and will be considered by the delegate on a case-by-case basis.
- 17.3. Employees must obtain prior approval for all leave through the relevant approval process (such as Aurion or Service Portal) before the leave is taken, unless it is impractical to do so.
- 17.4. Where illness, injury or emergency prevent prior approval of the leave, employees should notify their manager as close as possible to the employee's normal commencement time. Managers and employees have a responsibility to ensure the leave is recorded as soon as possible after the employee's return from leave. Where the period of leave is likely to exceed the employee's leave balance, the manager should notify HR Help to ensure an overpayment does not occur.



LONG SERVICE LEAVE

18. PURPOSE

- 18.1. Employees accrue long service leave in accordance with the *Long Service Leave (Commonwealth Employees Act 1976)* after 10 or more years of continuous service in the APS or other qualifying employer (e.g. a State or Territory public service).

19. AUTHORITY

- 19.1. Section 6 of the *Department's Enterprise Agreement 2021-2024* contains provisions for long service leave.

20. ELIGIBILITY

- 20.1. Employees will accrue three calendar months of paid leave after 10 years of eligible service. Employees can apply to have prior service recognised by PM&C by completing the Prior Service Recognition Request form.

21. ACCRUAL OF LONG SERVICE LEAVE

- 21.1. Employees will accrue three calendar months (90 days) of paid leave after 10 years of eligible service and an additional nine days of paid leave for each subsequent completed year of eligible service. Any period of leave without pay will not count as service for long service leave purposes, unless a Delegate determines otherwise on a case-by-case basis. Exceptions apply under the LSL Act where an employee is absent on account of ill-health, for specified Defence service, or to occupy an executive office. Periods of leave without pay that do not count as service do not count for the purposes of long service accruals.

- 21.2. Employees who have worked both full and part time hours during an accrual period will accumulate the same entitlement i.e. nine calendar days per year of service. However, when taking their long service leave entitlement, the salary paid will vary to reflect the actual hours of work that applied during the corresponding accrual period.

For example: If Carlos worked eight years full time and two years part time (part-time hours being 80 per cent of full time hours) he would be entitled to 72 days of long service leave at full pay and 18 days at 80 per cent of his current rate of pay.

- 21.3. On separation from the APS, long service leave entitlements are paid out in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.

22. USE OF LONG SERVICE LEAVE

- 22.1. Long service leave can be taken at full pay or half pay. The minimum leave period is

seven days at full pay or 14 days at half pay.

22.2. The *Long Service Leave (Commonwealth Employees) Act 1976* specifies that long service leave is calculated in calendar days and months, not working days.

Therefore, weekends, public holidays and normal working days within the period of an application are counted in the number of days of long service leave taken. For example: Sam applies for a period of long service leave from 21 April 2017 to 2 May 2017. This period would be recorded as 12 days of long service leave, which includes seven working days, four weekend days and one public holiday for ANZAC Day.

- 22.3. Long service leave cannot be broken by other periods of leave. Multiple applications for long service leave cannot be approved where they are only separated by a weekend and/or public holiday.

23. PERSONAL/CARER'S LEAVE DURING LONG SERVICE LEAVE

- 23.1. If an employee requires personal/carer's leave during a period of long service leave, the employee may apply to have the long service leave re-credited. The employee must provide satisfactory medical evidence to the delegate and must apply for personal/carer's leave for one day or longer.

24. APPROVAL PROCESS

- 24.1. Employees should first discuss the proposed leave with their manager, providing as much prior notice as possible.
- 24.2. An employee's access to leave must be balanced with the operational needs of the Department and will be considered by the delegate on a case-by-case basis.
- 24.3. Employees must obtain prior approval for all leave through the relevant approval process (such as Aurion or Service Portal) before the leave is taken, unless it is impractical to do so.
- 24.4. Where illness, injury or emergency prevent prior approval of the leave, employees should notify their manager as close as possible to the employee's normal commencement time. Managers and employees have a responsibility to ensure the leave is recorded as soon as possible after the employee's return from leave. Where the period of leave is likely to exceed the employee's leave balance, the manager should notify HR Help to ensure an overpayment does not occur.



PERSONAL/CARER'S LEAVE

25. PURPOSE

25.1. Personal/carer's leave is intended to support employees who cannot attend work because they are ill or injured. Personal/carer's leave may also be used to provide care or support for family or household members due to illness, injury or unexpected emergency.

26. AUTHORITY

26.1. Section 6 of the *Department's Enterprise Agreement 2021-2024* (EA) contains provisions for personal/carer's leave.

27. ELIGIBILITY

27.1. All ongoing and non-ongoing PM&C employees can access personal leave.

28. ACCRUAL OF PERSONAL/CARER'S LEAVE

28.1. Ongoing employees are credited 18 days paid personal/carer's leave in advance for each year of service pro-rata for part-time.

28.2. Non-ongoing employees accrue 18 days of paid personal/carer's leave progressively for each year of service, credited daily (pro rata for part-time).

28.3. If an employee takes a period, or cumulative periods greater than 30 calendar days of leave without pay not to count as service in a Year of Service, their personal leave accrual will be reduced proportionately.

28.4. Unused personal/carer's leave accumulates but cannot be paid out on separation from the APS.

29. USE OF PERSONAL/CARER'S LEAVE

29.1. Employees may access personal/carer's leave as full or part days.

29.2. Personal/carer's leave may be used for attendance at medical appointments where the employee is ill or injured.

29.3. There may be circumstances where another type of leave would be more suitable and should be used instead of personal/carer's leave, for example compassionate or miscellaneous leave.

29.4. Employees may take a total amount of 78 weeks' of personal/carer's leave to count

as service (either paid or unpaid). After 78 weeks, the delegate will determine whether the leave counts as service. Leave taken for illness will count as service for long service leave in accordance with the LSL Act.

30. PUBLIC HOLIDAYS

30.1. Personal leave will not be debited where an employee is medically unfit for duty on a public holiday which the employee would otherwise have observed.

31. UNPAID PERSONAL/CARER'S LEAVE

31.1. All employees, including casual employees, are entitled to two days of unpaid carer's leave in accordance with the *Fair Work Act 2009*. An employee cannot take unpaid carer's leave if they could instead take paid personal/carer's leave.

32. PERSONAL/CARER'S LEAVE IN EXCEPTIONAL CIRCUMSTANCES

32.1. In exceptional circumstances, the delegate may grant additional half pay personal/carer's leave where an employee has exhausted all personal/carer's leave credits, provide supporting evidence and no other form of appropriate leave is available.

33. EVIDENCE REQUIREMENTS

33.1. Medical evidence must be provided where employees are:

- applying for personal/carer's leave with a medical certificate; or
- absent on personal/carer's leave for three or more consecutive days, unless the Delegate advises that evidence is not required.

33.2. Evidence includes a medical certificate from a medical practitioner (for example a doctor, dentist, physiotherapist, etc.), a statutory declaration or other supporting evidence acceptable to their delegate.

33.3. The evidence must be uploaded as part of the leave notification form in Aurion to ensure it is sighted by the delegate.

33.4. Where an employee is on personal/carer's leave for three or more consecutive days and the delegate has advised that evidence is not required, an email to this effect from the delegate must be uploaded with the leave application form instead.

33.5. Delegates may request that evidence be provided for any length of personal/carer's leave where there is a concerning pattern of leave use or the delegate has reason to believe that the absence is not consistent with the appropriate use of personal/carer's leave.

33.6. Where an employee takes large or frequent periods of personal leave they may be directed to attend a medical examination to have their fitness for continued duty

determined and to be provided with appropriate support.

34. PERSONAL/CARER'S LEAVE DURING OTHER FORMS OF LEAVE

- 34.1. If an employee requires personal/carer's leave during a period of annual or long service leave, the employee may apply to have the annual or long service leave re-credited. The employee must provide satisfactory medical evidence to the delegate and must apply for personal/carer's leave for one day or longer.
- 34.2. Personal/carer's leave cannot be accessed while an employee is on maternity leave with pay, in accordance with the *Maternity Leave (Commonwealth Employees) Act 1973*. Employees may apply for paid personal/carer's leave during periods of unpaid maternity leave. Approval is subject to satisfactory medical evidence.

35. NOTIFICATION PROCESS

- 35.1. Where possible, employees should first discuss the proposed leave with their manager, providing as much prior notice as possible.
- 35.2. Employees must notify their manager of their leave as soon as practicable through the relevant process (such as Aurion or Service Portal).
- 35.3. Where illness, injury or emergency prevent prior notification of the leave, employees should let their manager know as close as possible to the employee's normal commencement time. Managers and employees have a responsibility to ensure the leave is recorded as soon as possible after the employee's return from leave. Where the period of leave is likely to exceed the employee's leave balance, the manager should notify HR Help to ensure an overpayment does not occur.



COMPASSIONATE LEAVE

36. PURPOSE

36.1. Compassionate leave is designed to provide leave when a member of an employee's immediate family or household is seriously ill, injured or dies.

37. AUTHORITY

37.1. Section 6 of the *Department's Enterprise Agreement 2021-2024* (EA) contains provisions for compassionate leave.

38. ELIGIBILITY

38.1. All PM&C employees are entitled to compassionate leave.

39. ACCESS TO COMPASSIONATE LEAVE

39.1. Employees are entitled to access three days of compassionate leave on each occasion where a member of their family or household contracts or develops an illness or injury that poses a serious threat to their life.

39.2. Employees are also entitled to access three days of compassionate leave for bereavement purposes on each occasion where a member of their family or household dies.

39.3. Casual employees are entitled to three days of unpaid compassionate leave per occasion.

40. USE OF COMPASSIONATE LEAVE

40.1. Compassionate leave may be combined with other forms of leave, including personal/carer's leave.

40.2. On each occasion, compassionate leave may be taken as a single continuous three-day period or as separate periods with the agreement of the employee's manager.

40.3. An employee may use compassionate leave to visit their family or household member in hospital, make funeral arrangements or attend to matters on behalf of the family or household member.

For example: An employee's immediate family member is seriously injured in an accident. The family member is in hospital and therefore doesn't need the employee to care for them, but the injuries sustained pose a serious threat to their life and it is important for the employee to be present at the hospital. The

employee could access three days of compassionate leave for this purpose. The employee could access a further three days of compassionate leave if the family member dies.

41. NOTIFICATION PROCESS

- 41.1. Employees should first discuss the proposed leave with their manager, providing as much prior notice as possible.
- 41.2. Employees must notify their manager of their leave through the relevant process (such as Aurion or Service Portal) before the leave is taken, unless it is impractical to do so. Supporting documentation may be requested by a manager.
- 41.3. Where illness, injury or emergency prevent prior notification of the leave, employees should let their manager know as close as possible to the employee's normal commencement time. Managers and employees have a responsibility to ensure the leave is recorded as soon as possible after the employee's return from leave. Where the period of leave is likely to exceed the employee's leave balance, the manager should notify HR Help to ensure an overpayment does not occur.



CULTURAL AND CEREMONIAL LEAVE AND NAIDOC WEEK LEAVE

42. PURPOSE

- 42.1. The Department provides paid and unpaid leave for all employees to participate in activities associated with their culture or ethnicity.
- 42.2. The Department is committed to the employment of Aboriginal and/or Torres Strait Islander people and recognises that employees have cultural and ceremonial obligations. These cultural obligations can also be met through flexible working arrangements.

43. AUTHORITY

- 43.1. Section 6 of the *Department's Enterprise Agreement 2021-2024 (EA)* contains leave entitlements for cultural and ceremonial leave.

44. ELIGIBILITY

- 44.1. All employees (excluding casuals) may apply for cultural and ceremonial leave and NAIDOC Week leave.

45. LEAVE FOR CULTURAL AND CEREMONIAL ACTIVITIES

- 45.1. Employees may access up to three days' leave with pay (pro-rata for part-time) each financial year to participate in activities associated with their culture or ethnicity.
- 45.2. Employees may access up to a total of two months' leave without pay each financial year to fulfil cultural obligations.
- 45.3. Longer periods of leave for cultural or ceremonial purposes can be granted under the provisions for miscellaneous leave, but would generally be without pay unless otherwise approved by the delegate.
- 45.4. Employees may access other forms of leave for cultural and ceremonial purposes, including personal/carer's leave, purchased leave, annual leave and long service leave. Use of personal/carer's leave credits is subject to retaining sufficient balance to allow the employee to use 10 days' paid personal/carer's leave in any year of service.

46. NAIDOC WEEK LEAVE

- 46.1. Employees may also access up to one full day of paid leave each year to participate in NAIDOC Week celebrations. This may be accessed as part day leave.

47. EFFECT OF LEAVE ON ENTITLEMENTS

- 47.1. Paid cultural and ceremonial leave and NAIDOC Week leave counts as service for all purposes.
- 47.2. Cultural and ceremonial leave without pay exceeding 30 days within a 12 month period will not count as service for annual or personal/carer's leave purposes, unless determined otherwise by the delegate.
- 47.3. Any period of cultural and ceremonial leave without pay regardless of duration will not count as service for long service leave purposes, unless a Delegate determines otherwise on a case-by-case basis..

48. APPROVAL PROCESS

- 48.1. Employees should first discuss the proposed leave with their manager, providing as much prior notice as possible.
- 48.2. An employee's access to leave to undertake cultural or ceremonial activities must be balanced with the operational needs of the Department and will be considered by the delegate on a case-by-case basis.
- 48.3. Employees must obtain prior approval for all leave through the relevant approval process (such as Aurion or Service Portal) before the leave is taken, unless it is impractical to do so.



MISCELLANEOUS LEAVE

49. PURPOSE

49.1. PM&C recognises the diverse experiences and circumstances of its employees and acknowledges that there may be circumstances in which it is appropriate for the Department to provide employees with a period of miscellaneous leave, with or without pay. The main purpose of miscellaneous leave is to provide additional flexibility for absences that are not covered by other leave types.

50. AUTHORITY

50.1. Section 6 of the *Department's Enterprise Agreement 2021-2024* (EA) states that the delegate may grant miscellaneous leave with or without pay.

51. ELIGIBILITY

51.1. All employees may apply for miscellaneous leave.

52. MISCELLANEOUS LEAVE EXAMPLES

52.1. Miscellaneous leave should not be used where there is another more appropriate form of leave available such as flextime, time off in lieu or personal/carer's leave.

52.2. The following are examples where miscellaneous leave (with or without pay) would normally be approved. This approval is at the delegate's discretion and does not provide an automatic entitlement.

WITH PAY	WITHOUT PAY
<ul style="list-style-type: none"> o Emergency leave where an emergency or natural disaster has occurred or an official warning or alert has been issued o Participation in, or representation at, significant international sporting events o Participation in emergency service activities o Donating blood o Preparation and attendance for industrial or court appearances (not related to personal matters) o Family, Domestic, and Intimate Partner Violence (refer to the <i>Family, Domestic, and Intimate Partner Violence Policy</i>) o Participation in appropriate union training and forums (such as governing council meetings) when holding a formal office position. 	<ul style="list-style-type: none"> o Outside employment in the interests of PM&C or the APS o Accompanying a partner on a posting o Long-term learning and development initiatives such as full-time study o Cultural and ceremonial leave in excess of two months each financial year.

53. EFFECT OF MISCELLANEOUS LEAVE ON ENTITLEMENTS

- 53.1. Miscellaneous leave with pay counts as service for all purposes.
- 53.2. Miscellaneous leave without pay exceeding 30 days within a 12 month period will not count as service for annual or personal/carer's leave purposes, except that it may count for personal/carer's leave if the leave without pay is determined by the Delegate to be in the interests of PM&C and the employee returns to duty with PM&C following the leave.
- 53.3. Any period of miscellaneous leave without pay regardless of duration will not count as service for long service leave purposes, unless a Delegate determines otherwise on a case-by-case basis. Exceptions apply under the LSL Act where an employee is absent on account of ill-health, for specified Defence service, or to occupy an executive office.
- 53.4. Where a public holiday falls during a period when an employee is on miscellaneous leave without pay, the employee will not be paid for that holiday.

54. APPROVAL PROCESS

- 54.1. Employees should discuss the proposed leave with their manager, providing as much prior notice as possible. Applications for miscellaneous leave should be in writing and provide any supporting documentation.

54.2. An employee's access to miscellaneous leave must be balanced with the operational needs of the Department and will be considered by the delegate on a case-by-case basis.

54.3. Other possible considerations include:

- the impact of the employee's leave on workloads
- any potential conflict of interest if the employee engages in outside employment while on leave and
- whether another type of leave or an arrangement, such as a secondment, might be more suitable.

54.4. For employees using miscellaneous leave without pay to take up a position under *Member of Parliament (Staff) Act 1984* or the *Governor General Act 1984* there is an automatic entitlement to the leave and an automatic right of return.

COMMUNITY SERVICE LEAVE

55. PURPOSE

55.1. The Department provides paid and unpaid leave for all employees to participate in community service leave activities including emergency and crisis response.

56. AUTHORITY

56.1. Section 6 of the Department's Enterprise Agreement 2021-2024 (EA) contains leave entitlements for community service activities.

57. ELIGIBILITY

57.1. Employees are entitled to leave to engage in eligible community service activities (voluntary emergency management or jury service).

58. LEAVE FOR COMMUNITY SERVICE ACTIVITY

58.1. Jury service

Employees required to attend jury service will be paid for their ordinary hours. Where employees receive jury service pay, the full amount must be repaid to PM&C.

58.2. Emergency management

Employees will be granted leave for emergency management activities, such as responding to a natural disaster as part of a recognised emergency management organisation. Recognised emergency management organisations include state emergency services, ambulance services, the country fire associations, or the RSPCA. Employees are also entitled to reasonable travel and recovery time, as well as leave for regular training and ceremonial duties.



PARENTAL LEAVE

59. PURPOSE

59.1. Parental leave assists employees to accommodate the needs of their children and families. It includes all forms of leave (paid and unpaid) relating to parenting: maternity leave, primary carer's leave, supporting partner leave, adoption leave (including traditional Island adoption), foster leave, and permanent care order leave.

60. AUTHORITY

60.1. Under the *Fair Work Act 2009* employees are entitled to 12 months of unpaid parental leave where they have completed at least 12 months of continuous service with their employer. Employees may also request an additional 12 months of unpaid parental leave

60.2. Section 6 of the *Department's Enterprise Agreement 2021-2024* (EA) contains provisions for parental leave.

61. ELIGIBILITY

61.1. Employees with at least 12 months continuous qualifying service (as defined by the section 6 of the *Maternity Leave (Commonwealth Employees) Act 1973*) may be eligible for the relevant paid parental leave type set out in this policy.

61.2. Employees who have not completed 12 months continuous qualifying service when their parental leave commences are eligible for unpaid parental leave.

61.3. Employees who complete 12 months continuous qualifying service during the first 14 weeks (or seven weeks for supporting partner leave) of their unpaid parental leave are entitled to paid parental leave for the balance of the 14 weeks (or seven weeks for supporting partner leave).

61.4. Non-ongoing employees engaged for a specified term or task may qualify for parental leave (paid or unpaid). Parental leave for non-ongoing employees will be granted up to the end date of their employment.

62. GENERAL PROVISIONS

62.1. All paid parental leave types will count as service for all purposes.

62.2. Unpaid parental leave types will not count as service, except for employees without 12 months continuous qualifying service. In such cases, up to 14 weeks of unpaid maternity, adoption, foster, permanent care and primary carer's leave, or seven weeks for supporting partner leave, will count for service.

62.3. Unpaid parental leave does not break continuity of service.

62.4. Payment for paid parental leave types can be spread over a longer period (up to double the full pay equivalent period). When paid over a longer period, only the full pay equivalent period will count as service.

62.5. Parental leave can be used in conjunction with other forms of leave.

A period of parental leave is not broken or extended by public holidays or Christmas closedown.

63. ADDITIONAL 12 MONTHS PARENTAL LEAVE

63.1. Employees are entitled to unpaid parental leave for a further period of up to 12 months, immediately following the end of the initial 12 month or 52 week period, totalling 24 months of leave.

64. MATERNITY LEAVE

64.1. Employees who are pregnant are eligible for 14 weeks paid maternity leave. This is made up of 12 weeks paid maternity leave (provided under *Maternity Leave (Commonwealth Employees) Act 1973*) and an additional two weeks paid leave for maternity purposes. The additional two weeks must immediately follow the first 12 weeks.

64.2. Employees may also access up to 52 weeks unpaid maternity leave, reduced by any period of paid maternity leave and paid leave for maternity purposes. The 52-week period commences from the start of the maternity leave or the birth of the child, whichever is earlier.

64.3. Maternity leave will be paid according to an employee's agreed regular or part time hours prior to taking leave. A part time employee may revert to full time at any time if the delegate agrees and full time work is available. The delegate should only approve such a request prior to maternity leave in exceptional circumstances based on demonstrated operational requirements.

64.4. Maternity leave will not be paid to employees who are currently on an approved period of miscellaneous leave without pay of more than 6 weeks. In this circumstance, Maternity leave can only commence from the end of the approved leave without pay and ends when the Maternity leave would normally have finished.

65. USING MATERNITY LEAVE

65.1. Paid maternity leave must be taken at the beginning of the period of maternity leave. It must be taken in one continuous block and cannot be split by other forms of paid or unpaid leave.

65.2. Personal/carer's leave cannot be accessed while an employee is on maternity leave with pay, in accordance with the *Maternity Leave (Commonwealth Employees) Act 1973*. Employees may apply for paid personal/carer's leave during periods of unpaid maternity leave. Approval is subject to satisfactory medical evidence.

66. MISCARRIAGE OR STILLBIRTH

66.1. An employee may access paid maternity leave if the pregnancy ends after 20 weeks' gestation.

66.2. In other circumstances, employees may use other forms of leave, such as personal/carer's leave, compassionate leave or unpaid special maternity leave under the FWA, to cover their absence.

67. MANDATORY ABSENCE

67.1. The *Maternity Leave (Commonwealth Employees) Act 1973* requires that a period

of maternity leave begins at least six weeks before the expected date of birth, and concludes six weeks after the birth (also known as the mandatory absence). If the birth occurs more than six weeks before the expected date of birth, the mandatory absence begins from the date of birth.

- 67.2. A pregnant employee can continue to work closer to the expected date of birth if a medical certificate is provided confirming they are fit to work until a specified date.
- 67.3. If an employee is on another form of paid leave (such as personal or annual leave) six weeks prior to the expected date of birth, their maternity leave will commence immediately unless they provide a medical certificate stating they are fit to continue work.
- 67.4. If an employee wishes to return to work during the six week period after birth, a medical certificate is required stating fitness for duty.

68. ADOPTION, FOSTER AND PERMANENT CARE ORDER LEAVE

- 68.1. An employee who becomes the primary caregiver of a child under 16 years through adoption (including traditional Island adoption), long term formal foster care or a permanent care order is entitled to a total period of 52 weeks' absence from the workplace, which includes 14 weeks of paid leave from the date of placement of the child.
- 68.2. The child is not a child or step-child of the employee or the employee's partner, unless that child had not been in the custody and care of the employee or partner for a significant period of time.
- 68.3. Where a fostered child is subsequently adopted, the staff member is not eligible for adoption leave in relation to the same child where foster leave has previously been granted.
- 68.4. An employee may take two days unpaid pre-adoption leave to attend interviews or examinations required to obtain approval to adopt a child, where their paid leave credits are insufficient.

69. PRIMARY CARER'S LEAVE

- 69.1. Employees who have primary carer responsibilities and are ineligible for paid maternity, adoption, foster or permanent care order leave, are eligible for 14 weeks paid primary carer's leave immediately following the birth of a child.
- 69.2. Employees may also access up to 12 months' unpaid leave, reduced by any period of paid leave taken.

70. SUPPORTING PARTNER LEAVE

- 70.1. Employees who do not have primary carer responsibilities are eligible for seven weeks paid supporting partner leave to be taken within 12 months of the birth or placement of their dependent child.
- 70.2. Following a period of supporting partner leave, an employee with 12 months' continuous service in the APS is entitled to a maximum of 12 months' unpaid leave (not to count as service) from the date of the birth or placement of the dependent child. The maximum period of 12 months is reduced by any period of paid leave taken for supporting partner purposes.

71. RETURN TO WORK

- 71.1. Prior to returning to work, the employee and their manager should discuss the employee's intentions and needs (for example options to work flexibly and breastfeeding breaks), as well as their return role and current business priorities.
- 71.2. Employees returning from up to 12 months of parental leave are entitled to return to the role they performed prior to commencing leave on the same full-time or part-time status. If the position no longer exists, the employee may be given alternative duties at their substantive classification for which they are both suited and qualified.
- 71.3. PM&C supports and recognises the benefits of offering flexibility in how, when and where work is performed.
- 71.4. All employees may seek, discuss and agree flexible work options with their manager and, where required, must seek Delegate approval.
- 71.5. An employee returning from parental leave who has the care of a child school age or younger will have their flexible work request granted unless it cannot be accommodated under any circumstances.
- 71.6. PM&C provides paid breaks to staff to breastfeed or express milk during work hours. More information is available in the *Breastfeeding in the Workplace Policy*.

72. INTERACTION WITH GOVERNMENT PAYMENTS

- 72.1. Services Australia provides two financial support payments to help eligible parents take time off work to care for a newborn or recently adopted child:
 - **Parental Leave Pay (PLP)** - is for eligible working parents who are the child's primary carer (usually the birth mother or the initial primary carer of an adopted child). Parents are able to access up to 18 weeks as two separate types of PLP. The first period of up to 12 weeks is paid as a single continuous block. This needs to be used while the employee is on approved leave (paid or unpaid) before the employee has returned to work and within 12 months of the birth or adoption of their child. The second period is up to 30 flexible days. Employees may choose to connect some or all of their flexible days to their 12-week block. This will give them a continuous block of up to 18 weeks PLP. Alternatively, an employee can access some or all of their 30 flexible days after they have returned to work. Payment for these days can only be accessed for days an employee is not working, for example, if they are on paid or unpaid leave or to facilitate 'topping up' a part time work week. These days need to be used within 24 months of the birth or adoption of their child.
 - **Dad and Partner Pay** - is for supporting dads or partners caring for a newborn or recently adopted child. You are able to access up to two weeks of government funded pay provided you are not working or taking paid leave for the same period.
- 72.2. Additional information can be found on the Services Australia and Fair Work Ombudsman websites. Employees can also contact People Branch to discuss the interaction of parental leave with government payments, noting that People Branch cannot provide financial advice.

73. APPROVAL PROCESS

- 73.1. Employees should first discuss the proposed parental leave with their manager,

then obtain prior approval for all leave through the relevant approval process (such as Aurion or ServicePortal) before the leave is taken.

- 73.2. Documentary evidence must be submitted with the application, either:
- a doctor's or obstetrician's certificate stating the expected date of birth or
 - approval for adoption or permanent care order from the person/organisation with statutory responsibility for the placement of the child. In the case of traditional Island adoptions, other acceptable evidence, such as a statutory declaration, may be provided.
- 73.3. Applications for other types of leave to extend the absence (such as annual, long service leave or unpaid leave) require approval from the delegate and can be submitted through Aurion.
- 73.4. If an employee wishes to extend their absence while already on leave, in the first instance they should discuss the leave application with their manager to seek their approval, then contact People Branch setting out the leave type and dates so it can be submitted on their behalf.

74. FURTHER INFORMATION

- 74.1. Employees are encouraged to raise concerns about employment decisions informally with their manager in the first instance. Where these concerns cannot be resolved locally, employees should contact People Branch. An employee may seek a review of certain employment actions under section 33 of the *Public Service Act 1999* (see the *Review of Actions Policy* for details).

For further information contact HR Help.

TERM	DEFINITION
<p>FAMILY</p>	<p>Family or immediate family means:</p> <ul style="list-style-type: none"> ○ a spouse (or former spouse) or de facto partner of the employee; ○ a child (including an adopted child, step child, foster child or an ex-nuptial child) of the employee; ○ parent, grandparent, grandchild or sibling of the employee; ○ a child (including an adopted child, step child, foster child or an ex-nuptial child) of the employee's spouse (or former spouse) or de facto partner; ○ a parent, grandparent, grandchild or sibling of a spouse (or former spouse) or de facto partner of the employee; ○ a member of the employee's household; or ○ traditional kinship where there is a relationship or obligation, under customs and traditions of the community or group to which the employee belongs.