



Brewarrina Shire Council Salary and Leave Policy

Policy Title: HUMAN RESOURCES SALARY AND LEAVE POLICY AND PROCEDURE

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1 Salary and Leave Administration

1.1 Policy statement

Salary and leave administration policy statement:

The intent of the Council's Salary and Leave Administration policy is to ensure that salary, leave and allowance payments are made:

- within award requirements,
- in a cost effective manner and,
- to support broader human resources strategy.

1.2 Who is responsible for implementing this policy?

The authority to approve all types of leave for all eligible employees is with the General Manager and Managers.

The authority to approve payments of allowances for all eligible employees is with the General Manager and Managers.

Leave and/or allowance payments for Managers are approved by the General Manager.

1.3 Authorisation

The Salary and Leave policy was authorised by the General Manager on 06 October 2006.

1.4 Legislation and references

The legislation and awards relating to salary and leave administration include:

- Annual Holidays Act 1944
- Long Service Leave Act 1955
- Industrial Relations Act 1996
- Local Government (State) Award 2004
- Workplace Relation Act 1996. (Commonwealth)

1.5 Document owner

The owner of the Salary and Leave policy document is the General Manager.

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1.6 Policy principles

1.6.1 Background to salary payments

Each position in Council is graded (classified) in the Council's 15 grade salary structure. Each employee is appointed to a pay point within the grade of the position that he/she occupies.

The Award (Clause 10) contains a number of provisions relating to salary payments, including:

- Councils may pay employees weekly, fortnightly or, by agreement, any other period.
- Employer deductions from salary are to be authorised by the employee in writing, for example deductions for social club membership.

1.6.2 Background to leave

This section addresses entitlements to various forms of leave. The entitlement to leave is derived from two sources:

- the provisions of the Local Government (State) Award 2004 and legislation
- Council Policy.

The provisions of the Award are drawn principally from New South Wales legislation (e.g. *Annual Holidays Act 1944* and the *Long Service Leave Act 1955*) and from National and State Test Case Decisions (e.g. Carers leave test Case).

Council Policy is developed to explain the operation of a particular form of leave within the Brewarrina Shire Council. The policy meets minimum entitlements provided by the Award or by State legislation. In some cases, Council policy provides supplementary benefits.

Types of authorised leave are:

- Sick leave (see section 1.6.3)
- Carers leave (see section 1.6.4)
- Annual leave (see section 1.6.5)
- Parental leave (see section 1.6.6)
- Long service leave (see section 1.6.7)
- Jury service leave (see section 1.6.8)
- Bereavement leave (see section 1.6.9)
- Union Picnic Day (see section 1.6.10)
- Trade union training leave (see section 1.6.11)

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- Union conference leave (see section 1.6.12)
- Leave without pay (see section 1.6.13)
- Leave with pay (see section 1.6.14)
 - Learning (Study leave)
 - Other purposes
- Christmas / New Year Concessional leave (see section 1.6.15)
- Bushfire leave (see section 1.6.16)
- Defence Force Reserve leave (see section 1.6.17)

A general principle with all types of leave is that they require application by the employee, and then consideration and approval by an authorised officer in advance. If this does not occur the absence of the employee is regarded as unauthorised. Unauthorised absences may constitute a breach of discipline. Staff is advised of the outcome of leave applications at the earliest opportunity.

1.6.3 Sick leave

The Local Government (State) Award 2004 (Clause 19A) provides for three weeks sick leave for each year of service.

Sick leave accumulates from year to year so that any balance of leave not taken in any one year may be taken in subsequent years.

The provision of sick leave in the Award is subject to the following conditions:

- Council is satisfied that the sickness is such that it justifies the time off; and
- the illness does not arise from engaging in other employment; and
- proof of illness to justify payment is required after 3 separate periods of absence in each service year or where an absence exceeds two working days; and
- When requested, proof of illness shall indicate the employee's inability to undertake his/her normal duties.

1.6.3.1 Evidence of illness

As part of Council policy, the evidence of illness or injury may include the following:

- a certificate from a medical health practitioner registered with any of the N.S.W Professional Registration Boards (or equivalent), which gives date(s) of consultation, evidence of incapacity to undertake normal duties and period(s) of incapacity; or
- a supporting statement by the immediate supervisor or team leader if he/she considers it appropriate, for example if there is obvious physical evidence of illness or injury.

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1.6.3.2 Employee obligations

Employees have the following responsibilities in regard to sick leave:

- They must notify their immediate supervisor as soon as possible when they are absent due to illness or injury and to indicate how long they expect to be absent.
- They must make formal application for sick leave as soon as possible and provide any necessary evidence of illness or injury.

1.6.3.3 Medical examinations

Council may require an employee to attend a medical examination by a medical practitioner nominated by Council (at Council's expense), where:

- There is extended or frequent absence due to illness or injury.
- There is a need to establish the capacity of the employee to undertake his/her normal duties (i.e. fitness for work).

1.6.3.4 Monitoring of sick leave

Managers and Team Leaders are encouraged to monitor the taking of sick leave and give regular feedback to their staff. Human Resources will provide a regular sick leave report to Managers/Team Leaders for their staff.

(Refer to Section 1.7, Examples of memo's to staff).

1.6.3.5 Additional sick leave grants

The Award states that where an employee has had ten years' service with Council and has exhausted the sick leave entitlement, Council may choose to grant additional sick leave if the circumstances warrant.

1.6.3.6 Payment in lieu of untaken sick leave

The Industrial Relations Act prohibits payments in lieu of untaken sick leave in awards or industrial agreements, but preserves a benefit for those employees who had an entitlement accrued before 15 February 1993.

Under Council's Industrial Agreement 8734, limited entitlements accrued for those terminating employees who had at least 10 years service, provided that at least one of these years service was completed in 1991.

The Local Government State Award 2004 (Clause 33) provides for limited entitlements of sick leave balances as at 15 February 1993 in the event of termination of service due to ill health.

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1.6.3.7 Transferring sick leave

Accumulated sick leave, up to a maximum of 13 weeks, can be transferred on change of employment from the Brewarrina Shire Council to another Council in New South Wales; and from another Council in New South Wales to the Brewarrina Shire Council. This is possible provided that the period of cessation of service with one Council and appointment to another Council does not exceed three months.

1.6.4 Carers leave

The Local Government (State) Award 2004 (Clause 19B) provides employees with access to their accrued sick leave if they are needed to provide care and support for particular people (i.e. in recognition of their carer's responsibilities). This includes an employee's:

- spouse;
- de facto spouse;
- child or adult child;
- parent, grandparent or grandchild;
- sibling;
- same sex partner; and/or
- Relative who is a member of the same household/domestic dwelling.

The above list also extends to an employee's spouse or the de facto spouse of the employee.

Entitlement to carer's leave is subject to the following conditions:

- The employee, if required, producing satisfactory evidence of illness of the person concerned, (similar to evidence of illness in section 1.6.3) and evidence that the illness is such to require care by another person; and
- The employee is needed to provide care and support and someone else has not taken leave to provide that care and support.

1.6.5 Annual Leave

The entitlement to annual leave is derived from the Annual Holidays Act 1944. In accordance with the Local Government (State) Award 2004 (Clause 19C), employees are entitled to four weeks leave after each 12 months service. Pro-rata annual leave is paid for part time employees (but not casual employees). Annual leave is to be taken on its due date or as soon as is mutually convenient to both Council and the employee.

Council may direct an employee to take annual leave by giving four weeks notice when:

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- The employee has accumulated in excess of eight weeks annual leave
- There is a period of close down of up to four weeks, or other period by agreement.

Annual leave can be taken on a pro-rata basis as the leave accrues, rather than at the completion of each 12 months of service.
(e.g. one week of leave may be taken after three months service.)

Applications for annual leave should be made at least four weeks in advance. Applications are then taken into consideration taking into account the operational needs of the work area.

When an employee leaves Council, his/her termination pay includes annual leave entitlements as well as any annual leave accrual owed.

The Annual Leave Act 1944 precludes the payment in lieu of annual leave.

1.6.6 Parental leave

The New South Wales Industrial Relations Act 1996 provides employees with minimum entitlements to parental leave. The Local Government (State) Award 2004 (Clause 19E) provides for paid maternity leave to female employees. Parental leave is unpaid leave, except for paid maternity leave as specified in the Award. Parental leave taken by employees can be:

- **Maternity leave** for a woman in connection with a pregnancy or birth of her child.
- **Short paternity leave** for a man in connection with the birth of his spouses child (up to one week)
- **Extended paternity leave** to be child's primary care giver.
- **Short adoption leave** in connection with the adoption of a child under five years of age (up to three weeks at the time of placement).
- **Extended adoption leave** to be child's primary care giver.

Any female or male employee who has completed at least 12 months continuous service is entitled to parental leave. Continuous service includes periods of approved leave. Continuous service may be on a full-time or Part-time basis (but not as a casual, except for paid maternity leave provisions under the Award). Parental leave is limited to a period of 12 months; however there are no limits to the number of times parental leave can be taken.

The Act requires that the employee provides, as appropriate:

- Ten weeks notice of their intent to take leave.
- A medical certificate confirming pregnancy and expected date of birth.
- A notice from an adoption agency stating the date of placement.

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- A statutory declaration stating that the employee will be the child's primary care giver (extended paternity and extended adoption leave only).

The Act also prescribes entitlements in relation to the employee to returning to the position held before taking the parental leave.

Parental leave does not break continuity of service with the Council. However, it does not count as service for the accrual of annual leave or other leave entitlements.

1.6.6.1 Paid Maternity Leave

The Award provides for paid maternity leave to all full-time and part-time female employees who have had 12 months continuous service with council immediately prior to the commencement of maternity leave or special maternity leave and to female casual employees who have worked on a regular and systematic basis with council for at least 12 months prior to the commencement of maternity leave or special maternity leave.

Paid maternity leave refers to leave taken by a female employee in connection with the pregnancy or the birth of a child of the employee. Paid maternity leave consists of an unbroken period of leave.

Paid special maternity leave refers to leave taken by an employee where the pregnancy of the employee terminates before the expected date of birth (other than by the birth of a living child), or where she suffers illness related to her pregnancy (subject to medical practitioner certification).

Entitlement – A total of 9 weeks paid maternity leave or special maternity leave on full pay; or 18 weeks maternity leave or special maternity leave on half pay; or maternity leave or special maternity leave on a combination of full pay or half pay provided the leave does not exceed the equivalent of 9 weeks on full pay.

The employee may choose to commence paid maternity leave before the expected date of birth.

Annual leave, long service leave, unpaid maternity leave and any accumulated time in lieu may be taken in conjunction with paid maternity leave and special maternity leave, subject to approval, provided that the total period of leave does not exceed 52 weeks.

The period of paid maternity leave and special maternity leave is taken into account in calculating the employee's long service, annual and sick leave accruals.

Paid maternity leave may not be extended beyond the first anniversary of the child's birth.

Payment for maternity leave and special maternity leave is at the ordinary

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rate applicable prior to the commencement of the leave period. Employees working as permanent part-time employees will be paid at their ordinary Part-time rate of pay calculated on the regular number of hours worked. A casual employee's rate of pay will be calculated by averaging the employee's weekly wage in the 12 months immediately prior to the employee commencing paid maternity leave or special maternity leave.

Paid maternity leave and paid special maternity leave shall be exclusive of public holidays.

Where a public holiday falls during a period where the employee has taken either paid maternity leave or annual or long service leave on half pay, the public holiday shall also be paid at half pay. Further, all entitlements shall accrue during periods of leave at half pay on a proportionate basis.

The employee is required to provide notice of intention to take paid maternity leave as follows:

First Notice - provide council with medical practitioner certification indicating the expected date of confinement at least 10 weeks before the expected date of birth.

Second Notice - advise council in writing of the employee's intention to take paid maternity leave and the proposed start date, at least 4 weeks prior to that date.

- Provide a signed statutory declaration that the employee will be the primary care giver to the child and that the paid maternity leave will not be taken in conjunction with any partner accessing paid parental leave entitlements.
- Provide a leave request form detailing the dates of any maternity leave, annual leave, long service leave or other leave request.

1.6.6.2 Interruption of Parental Leave

The Industrial Relations Act 1996 allows for an employee to break (interrupt) their period of parental leave by returning to work for a set period of time providing that;

- Council has work available for the employee and therefore agrees to their temporary return; and
- The total period of time between the commencement of parental leave and the conclusion of parental leave (including any annual or long services leave taken in conjunction with parental leave) does not exceed 12 months).

When such a temporary return to work plan is approved the employee is effectively canceling their parental leave for those hours worked and as such the employee should be paid the ordinary hourly pay rate for any hours up to

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and including the usual limit for the position (i.e. 70 or 76 hours per fortnight).

1.6.6.3 Supporting Parent Leave

An employee who is a supporting parent is entitled to up to 5 days paid leave taken from their accrued sick leave balance at the time their partner gives birth to a child or at the time the employee adopts a child provided that the employee has had 12 months continuous service with council immediately prior to the commencement of their supporting parent leave.

1.6.7 Long Service Leave

The Local Government (State) Award 2004 (Clause 19D) prescribes the entitlement to long service leave as follows:

Length of service	Entitlement
After 5 years' service	6.5 weeks
After 10 years' service	13 weeks
After 15 years' service	19.5 weeks
After 20 years' service	30.5 weeks
For every completed period of 5 years' service thereafter	11 weeks

In addition, the award provides for proportionate payment for terminating employees who have at least five years, but less than ten years service.

The Award requires that long service leave should be taken at a time that is mutually convenient to Council and employee, in minimum periods of one week. All long service leave accruing on or after 23 June 1988 is to be taken within five years of it falling due.

In calculating long service leave entitlements; service with other Councils in New South Wales is included in the calculation. Continuity of service is not broken when transferring or changing employment from one Council to another, providing:

- The period between cessation of service with one Council and appointment to another Council does not exceed three months, and this period is covered by accrued annual and long service leave standing to the credit of the employee at the time of the transfer.
- The employee does not engage in work of any kind during this

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period.

Public Holidays occurring during a period of long service leave are paid in accordance with the Local Government (State) Award 2004.

1.6.7.1 Who is eligible?

Long Service Leave is accrued by:

- Permanent full-time employees
- Permanent part-time employees (on a pro-rata basis)
- Some Casuals who are then appointed to a permanent position; casuals who are appointed to a permanent position will have their casual service recognised for the purposes of long service leave where it can be proven that the casual service was regular, continuous and systematic. The number of years service is counted, but not included in leave balance or monetary payment of leave, for example:

Melanie was employed as a casual librarian for two years - she did two shifts every week on a Thursday and Saturday for four hours. At the end of this time a permanent Librarian position became available - she applied and was successful. Melanie has worked in the full time, permanent role for three (3) years. For the purposes of long service leave, Melanie now has a total of 5 years service with Council. She is eligible to take leave however her accruals will be calculated as follows:

Year 1 & 2 (casual employee)

= no hours accrued, no leave balance

Year 3, 4 & 5 (permanent full-time employee)

= 3 years @1.3 weeks per year

= 3.9 weeks or 136.5 hours (for 35 hr week)

1.6.8 Jury Service Leave

Under the Local Government (State) Award 2004 (Clause 19H (i)), employees required to attend jury service during ordinary working hours are entitled to jury service leave. Employees are required to notify Council as soon as possible of the jury service dates and provide proof of attendance, the duration of such attendance and the amount received for the jury service.

Council will reimburse the deficit between the amount received for the Jury Service and the amount the employee would have been paid for ordinary hours that would have been worked during that same period.

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1.6.9 Bereavement leave

Under the Local Government (State) Award 2004 (Clause 19I (i)), employees are entitled to two days leave with pay when there has been a death in the family. The employee must provide satisfactory evidence to Council of the death.

(For the list of family members for whom bereavement leave may be taken, see the section 1.6.4 Carers leave.)

1.6.10 Union Picnic Day

Under the Local Government (State) Award 2004 (Clause 18B (i)), the Union Picnic Day is regarded as a holiday for employees who are financial members of the union.

Traditionally council has felt it inappropriate to differentiate between employees who are financial members of the Union, and who are not, therefore it has been presented at Council Meetings that ALL employees receive the same entitlement.

Each year Union is to submit this request to Council for their approval at least three weeks prior to the designated day. Employees must be advised of the result at least two weeks prior to the designated day.

Generally, the designated Picnic Day is the last Friday in September.

(Refer to Section 1.9 & 1.10, Examples of submissions to Council and memo's to staff).

1.6.11 Trade Union training leave

Under the Local Government (State) Award 2004 (Clause 19H(ii)), employees are entitled to attend an accredited trade union training course with pay and such agreement shall not unreasonably be withheld.

1.6.12 Union Conference leave

Under the Local Government (State) Award 2004 (Clause 19H (iii)), one employee who is an accredited union delegate to the union's Annual Conference is entitled to be paid conference leave for the duration of the conference. This is providing that council's operational requirements are met and that the union notifies council of the accredited delegate nominated to attend the conference at least on month prior to the commencement of the conference. The approval of more than one accredited delegate per union is at Council's discretion.

1.6.13 Leave without pay

Leave without pay is unpaid leave at Council's discretion. It may comprise:

Leave without pay for learning, where the leave relates to a study,

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learning or the training and development program where Council is not able to provide paid support.

Leave without pay for other purposes, where the leave is for compassionate reasons or other reasons such as personal travel. It is not approved for engagement in other employment.

Factors taken into account in considering applications include:

- Whether other leave was available
leave without pay is generally not granted if other leave entitlements are available (e.g. if an employee requested leave without pay to travel they would be required to exhaust all their existing leave entitlements prior to commencing leave without pay).
- Performance and conduct of the employee.
- Reasons for the leave.
- Duration of the leave sought.
- Operational requirements of the work area.

The Local Government (State) Award 2004 (Clause 19J), specifies that periods of leave without pay are to be taken at a time mutually convenient to Council and the employee.

Leave without pay is not regarded as service for the purpose of computing long service leave, sick leave; or annual leave. The period of leave does not, however, constitute a break in the employee's continuity of service.

Employees are not entitled to any payment for public holidays during an absence on approved leave without pay. Leave without pay is limited to a maximum of 12 months.

1.6.14 Leave with pay

Leave with pay is paid leave at Council's discretion where other forms of paid leave are either not available or not appropriate. It is sometimes referred to as special leave.

The Award does not specifically entitle staff to leave with pay except by inference, for example when referring to the types of leave, which may be used to support learning.

Leave with pay may comprise of:

- **Leave with pay for learning, (also known as study leave)**, where the employee is on a compulsory study program or other training and development program approved by Council where paid leave is considered appropriate. This includes paid leave to attend examinations.
- **Leave with pay for other purposes**, where the leave is for compassionate or other reasons, for example paid leave to attend

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Employee Assistance Program (EAP) counseling. This use of leave with pay is expected to be infrequent and on a short-term basis only.

Authority for granting Leave Without Pay is on the following basis:

- **General Manager** - for all requests

1.6.15 Christmas/New Year Concessional leave

The Award does not have specific provisions relating to Christmas and New Year concessional leave.

Council has a tradition of granting the permanent indoor staff 2 days special leave between Christmas and the New Year in lieu of overtime worked throughout the year, with the balance being made up of annual leave and rostered days off. Outdoor staff are not granted any special leave as they are paid for any overtime throughout the year.

The office is normally closed between Christmas and New Year with skeleton outdoor staff on duty for any emergencies that may arise.

The General Manager has the authority to approve Christmas/New Year Concessional Leave.

1.6.16 Emergency Services Leave (for registered volunteers)

The Award does not have specific provisions relating to leave to fight bush fires or other emergencies.

Council supports the invaluable work done by volunteer emergency service groups such as the Rural Fire Service, the State Emergency Services, St John Ambulance and the Salvation Army.

Council policy is that this leave may be considered as special leave with pay for up to 5 days per calendar year when:

- The employee provides written evidence to Council (to be recorded on their personnel file) that they are a member of a volunteer emergency service organisation;
- There is a recognised emergency and the employee is required to help fight fires or carry out search, rescue or support operations;
- Leave can be managed within the operational requirements of the work unit, without causing inconvenience or hardship in the workplace, or jeopardising the safety or security of council operations, other employees, or the public.
- Employees must obtain authorisation from their immediate supervisor or other authorised Council Officer before commencing the leave and it is expected that all accrued flexi-time be exhausted prior to the commencement of paid special leave.

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On return to normal duties, the employee must:

- Provide a letter, signed by the Volunteer Service Captain (or equivalent) confirming the dates and times of their participation;
- Complete an Application for Leave form requesting Special Leave, with pay, and attach the letter referred to above.

In exceptional circumstances the General Manager may authorise additional paid emergency service leave beyond 5 days per year. Generally any additional paid leave will be confined to emergencies within the Brewarrina Shire Council area or declared large scale emergencies.

1.6.17 Defense Force Reserve leave

The Award does not have specific provisions relating to leave to participate in Defense Force Reserve training.

Council policy is that this leave may be considered as leave with pay for up to ten working days in one year. Any approved time after this is considered leave without pay. This policy applies when:

- There is evidence of membership and training requirements, and
- Leave can be managed within the operational requirements of the work unit.

Where leave with pay is approved, Council will pay the difference if payment received by the employee for the Defense Force Reserve training is less than his/her ordinary salary.

1.6.18 Roster Days Off

The Local Government (State) Award 2004 (Clause 16A) states that the ordinary hours of work shall be 38 hours per week, except for employees engaged in the following functions whereby their ordinary hours of work shall be 35 hours per week.

- Administration,
- Building Surveying,
- Community Services (Professional/Specialist Band 3),
- Engineering (Professional & Trainees),
- Executive Band,
- Finance,
- Health Surveying,
- Library,
- Public Relations,
- Technical Services and
- Town Planning.

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Therefore, all outdoor staff are entitled to one day off every four weeks and this is to be taken on a mutually agreed day. Generally, the monthly roster day off is the first Monday of every month and is taken by all outdoor staff.

All indoor staff are entitled to one day off every three weeks and this is to be taken on a mutually agreed day. The indoor staff are provided with a roster every three weeks which shows their current entitlement and employees are required to enter their planned roster day off onto this spreadsheet. This spreadsheet is then approved by the General Manager.

No staff member is to accumulate more than three roster days off and will be given a memo to encourage them to take this leave as soon as possible where convenient to both the employee and council. In the case of the General Manager, he/she cannot accrue more than two roster days off.

1.6.19 Working from Home

The Award does not have specific provisions relating to employees working from home. This policy is governed by the NSW Occupational Health & Safety Act NSW 2000 and the Workplace Injury Management and Workers Compensation Act 1998.

This applies to those positions determined by the General Manager as being suitable for working from home. No employee shall be directed or required to work from home. Casual employees are not eligible to work from home.

Working from Home is a privilege and is at Council's discretion. Council does not encourage the option of working from home but will review and consider each case.

Prior to the commencement of any work from home by staff member Council needs to ensure that the designated worksite within the employee's home meets the requirements for Occupational Health & Safety. These requirements include but are not confined to issues such as employees consent to access to the home worksite by councils representative, an OH&S committee member, Union representative and Workcover inspectors to set up, review and otherwise monitor the worksite for compliance with safety standards and accident investigation.

Any work from home will be subject to a trial period agreed upon by the employee and the General Manager. At the conclusion of the trial period the General Manager shall have the right to terminate this agreement. Conditions (including but not confined to hours of work, performance assessment, payment of wages and expenses) should be in writing before the commencement of working from home. During this time the employee is subject to council's policies, award and legislative conditions.

If working from home, council should supply necessary equipment including

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furnishings, telecommunication facilities and computer equipment (this must meet the standards required by Occupational Health & Safety). This also includes such things as illumination and ventilation. The designated worksite at the employee's home shall be subject to visitation and inspection by council officers and any officer under the appropriate Act that allows that person to inspect a designated worksite.

Employees will not be granted time off in lieu for any time spent working at home and this includes the General Manager.

The General Manager has the authority to approve employees working from home.

1.6.20 Timesheets

Timesheets are to be completed by all employees on a fortnightly basis. Timesheets must be given to supervisors at the end of the fortnight; they must then be reviewed and given to the Human Resources Officer as soon as possible for processing.

The following details should be written onto timesheets by employees:

- Employee Name,
- End date of the pay period,
- Payroll Number,
- Start times,
- Beginning time for lunch break,
- End time for Lunch Break,
- Finish times,
- Description & location of jobs,
- Ordinary hours and overtime hours,
- Job numbers,
- Any Leave taken (i.e. Sick leave, annual leave, roster days off etc..) – A pink leave request form must accompany any type of leave,
- Ticked Allowances (i.e. Meals, camping, On-Call etc...),
- Total Hours and
- Plant details.

All of these details must be checked by the employee's supervisor before they are received by Human Resources. Supervisors are also responsible for completing an attendance sheet which must be verified with the timesheets before handing into Human Resources.

1.6.21 Background to Award Allowances

Allowances have been introduced into Awards across many industries in Australia to address matters that the industrial parties at the time believed

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were not effectively dealt with in the ordinary rates of pay.

Council provides payment of allowances in accordance with the provisions of the Local Government (State) Award 2004.

The allowances payable under the Local Government (State) Award 2004 (Clause 13) are:

- Disability allowance (see section 1.6.22)
- Sewer Chokes Allowance (see section 1.6.23)
- Tool Allowance (see section 1.6.20)
- Telephone Reimbursement (see section 1.6.24)
- Expense Reimbursement (see section 1.6.25)
- Car Allowance (see section 1.6.27)
- Traveling Allowance (see section 1.6.28)
- Camping Allowance (see section 1.6.29)
- On Call Allowance (see section 1.6.30)
- Meal Allowance (see section 1.6.31)
- Higher Duties (see section 1.6.32)
- Community Language and Signing Allowance (see section 1.6.33)
- First Aid Allowance (see section 1.6.34)

1.6.22 Disability allowances

The first of two disability allowances provided in the Local Government (State) Award 2004 (Clause 13(i)) is paid to designated outdoor employees to compensate for conditions associated with the nature of duties performed.

The following employees are entitled to this allowance:

- all employees in Levels 2, 3 and 4 of the Operational Band, except those who work in the following functions:
administration, civic centre, recreation and theatre, community centre, finance, garbage, sanitary and sullage, noxious plant inspection, ordinance control, public relations, supervising in band 2, technical services and works supervision.
- Any employees engaged in the gardening, building, metal and mechanical trades of the Administrative/Technical/ Trades Band.

The second disability allowance provided by the Local Government (State) Award 2004 (Clause 13(i)) is to compensate garbage, sanitary and sullage collection workers (other than supervisors) for the special disabilities associated with the hours worked and the offensive, filthy and obnoxious nature of the duties they perform.

The payment of this allowance is restricted to Operational Band employees

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(but not their supervisors) employed in garbage, sanitary and sullage collection work.

1.6.23 Sewer chokes allowance

Under the Local Government (State) Award 2004 (Clause 13(ii)), Council is to pay employees a Sewer Choke allowance for each day they are clearing sewer chokes.

1.6.24 Tool allowance

Under the Local Government (State) Award 2004 (Clause 13(v)), Council pays a tool allowance to particular employees where the employee and Council agree that the employee will provide his/her own tools.

This weekly tool allowance is paid to bricklayers, carpenters, plumbers, metal and mechanical trades people, painters and sign writers, and plasterers.

The Award also provides for compensation through a limited reimbursement, for tools lost or stolen. The employee must show that he/she took all reasonable care to prevent theft or loss.

1.6.25 Telephone reimbursement

Under the Local Government (State) Award 2004 (Clause 13(vi)), Council is to reimburse employees for annual telephone rental, plus the actual charge for outward calls made by the employee on Council's behalf. The employee and Council must first agree that telephone installed at the employee's residence will be used for work purposes. Council policy is that these principles also apply to mobile phones.

1.6.26 Expenses reimbursement

Under the Local Government (State) Award 2004 (Clause 13(vii)), Council is to reimburse employees for all reasonable expenses they have incurred in connection with their duties.

Reasonable expenses include agreed:

- out of pocket expenses
- accommodation expenses
- traveling expenses

Such reasonable expenses may arise, for example, where an employee is authorised to participate in a conference, seminar, congress, forum,

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workshop, course, meeting, deputation, information and training session, event, inspection or inter-Council visit.

1.6.26.1 Out of pocket expenses

In relation to out-of-pocket expenses, Council policy is that the Council will pay for:

- work related telephone calls
- work related facsimiles, photocopying, mail
- work related incidental expenses

1.6.26.2 Accommodation expenses

In relation to accommodation expenses, Council policy is that the Council will pay for:

- a reasonable double room or twin share accommodation, including the night before, and/or after, where this is necessary because of the timetable
- reasonable breakfast, lunch and/or dinner costs

1.6.26.3 Travel expenses

In relation to travel expenses, Council policy is that it will provide transport or pay:

- reasonable travel costs to and from the venue by car, train (first class), or air (economy), whichever is most appropriate
- reasonable vehicle hire, taxi and/or parking fees
- 'kilometer' car allowance (*see the section 1.6.23 Car allowance in this chapter*) if a private vehicle is used, provided that the cost does not exceed economy class air fare to and from the destination

Council policy is that the Council will not meet any costs associated with accompanying partners. An employee is not entitled to claim for travel expenses associated with travel between his/her home and normal place of work.

1.6.27 Car allowance

Under the Local Government (State) Award 2004 (Clause 13(viii)), Council is to reimburse an employee for the use and depreciation of the employee's own car, when the employee has Council's approval to use it for Council business. The allowance is paid at a per kilometer rate based on the capacity of the engine of the vehicle. The kilometer rate is paid where the use of the car is for official business on an intermittent, irregular or casual basis.

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Where the vehicle is available on a continuous basis to Council, the Award provides for the payment of an annual allowance.

1.6.28 Traveling allowance

Under the Local Government (State) Award 2004 (Clause 13(ix)), Council is only required to pay a traveling allowance to employees who are required to start and/or finish at a location other than their appointed office/building, depot or other agreed starting/finishing point.

Per day allowance is calculated depending on the distance (by the nearest trafficable route) from the employee's residence to the work site on the following scale:

- at least 3 but not more than 10 kilometers
- more than 10 but not more than 20 kilometers
- more than 20 but not more than 33 kilometers
- more than 33 but not more than 50 kilometers
- plus (set amount) for each additional 10 kilometers in excess of 50 kilometers.

Where the employee resides outside the Brewarrina Shire local government area the Award states that the traveling allowance is calculated from the Council boundary.

The traveling allowance does not apply to traveling involved in after hours on-call work or to employees recalled to work overtime.

1.6.29 Camping allowance

Under the Local Government (State) Award 2004 (Clause 13(x)), Council is to pay a camping allowance to employees who are required to camp out where no reasonable transport facilities are available to allow them to precede to and from their homes each day.

No employee shall be required to camp without at least 24 hours' notice unless such employee agrees to do so. Council must provide minimum standards of caravan accommodation for those employees required to camp out. This allowance shall be paid for each night the employee camps out, excluding Friday nights unless the employee is required to work on the Saturday.

1.6.30 On Call allowance

Under the Local Government (State) Award 2004 (Clause 17B), Council is to pay an on call allowance to employees who are required to be available at all times in order to attend emergency and/or breakdown work.

The allowance is calculated on a per day basis. The amount varies according to whether the day on which the employee is on call is an ordinary work day or not. The Award specifies a limit on how much on call allowance

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can be paid in one week.

1.6.31 Meal allowance

Under the Award (Clause 13(xii)), an employee who works overtime for two hours or more prior to the agreed commencing time, or after the agreed finishing time, is paid a meal allowance.

Under this clause a meal allowance is also paid if the employee works on a day other than an ordinary working day and in addition works at least 4 hours overtime on that day.

1.6.32 Higher duties allowance

The Award (Clause 9) states that when an employee is required to relieve in a position which is at a higher level in the salary system, they are to be paid at least the minimum rate for that level.

Council policy is that where an employee acts in a higher position, the payment for higher duties is made by selecting the appropriate salary step on the grade of the vacant position, taking into account:

- the percentage of duties to be performed
- the experience and skills of the relieving staff member

Higher duties allowance is not paid to the relieving employee if he/she is on leave in the acting period and the period of continuous acting is short term (3 months or less).

Managers/Team Leaders must also consider the following points when authorising higher duties arrangements:

- As a minimum requirement, acting employees, where the acting grade is only one grade different from their substantive grade, should be paid at least the nearest pay point in the appropriate grade, not less than their substantive pay point.
- Managers should consider that a non-packaged employee should not receive the entire total remuneration package (TRP) amount when acting in a packaged position as the compulsory superannuation must still be paid in addition to the salary.
- Employees can also carry out additional duties for both higher level and lower level positions. When this occurs, employees should be recognised for their efforts and given appropriate compensation. The compensation to be paid to the employee should be calculated by determining the appropriate classification of the work done, the amount of additional work carried out and the length of time this work was carried out for.
- Managers undertaking higher grade roles must be authorised by the General Manager.
- Staff may request to refuse temporary higher grade opportunities, and

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subject to operational requirements, such a request should not be unreasonably refused.

- All higher grade duties of one (1) week or more should be recorded on the Notification of Higher Duties form.

1.6.33 Community Language and Signing allowance

The Award (Clause 13(xi)) states that when an employee utilises skills in a community language as an adjunct to their normal duties in order to provide services to speakers of a language other than English, or to provide signing services to those with hearing difficulties, the employee shall be paid an allowance in addition to the weekly rate of pay. The allowance may be paid on a regular or irregular basis, according to when the work is performed.

Such work involves an employee acting as a first point of contact for Non-English speaking person or person with hearing difficulty. The employee identifies the resident's area of inquiry and provides basic assistance, which may include face-to-face discussion and/or telephone inquiry.

Such employees convey straightforward information relating to council services, to the best of their ability. They do not replace or substitute for the role of a professional interpreter or translator.

Where an employee is required by council to use their community language or first aid skills in the performance of their duties:

- Council shall provide the employee with the opportunity to obtain accreditation from a language aide or first aid accreditation agency;
- The employee shall be prepared to be identified as possessing the additional skill(s);
- The employee shall be available to use the additional skill(s) as required by council.

1.6.34 First Aid allowance

The Award (Clause 13) states that where an employee is required by council to be in charge of a first aid kit and/or to administer first aid and the use of such adjunct skills are not paid for in accordance with the salary system established by the council, the employee shall be paid an allowance in addition to the weekly rate.

Where an employee is required by council to use their community language or first aid skills in the performance of their duties:

- Council shall provide the employee with the opportunity to obtain accreditation from a language aide or first aid accreditation agency;
- The employee shall be prepared to be identified as possessing the additional skill(s);

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- The employee shall be available to use the additional skill(s) as required by council.
- as required by council.

1.6.35 West of the Line Allowance

The Award (Clause 38 (iii)) states that where employees, employed in areas where the council's office is situated upon or to the west of a line starting from a point on the right bank of the Murray River opposite Swan Hill (Victoria), thence by a straight lines passing through the following towns or localities in the order stated, viz: Conargo, Argoon, Hay, Rankin's Springs, Marsden, Condobolin, Peak Hill, Nevertire, Gulargambone, Coonabarabran, Narrabri, Moree, Warialda, Ashford and Bonshaw; at the time of making this award had an entitlement to receive one week's leave of absences with pay in addition to the four weeks annual leave provided by this award, the employee shall retain this entitlement whilst still employed by the council at which they were working at the time of making this award.

Under the Award (Clause 38 (iv)(a)) employees of the undermentioned council areas and those situated to the west of at the time of making this award were paid at the rate per week as set out in Table 2 of Part B in addition to their rate of pay, those employees shall retain this entitlement whilst they continue to be employed by the council at which they were working, at the time of making this award; Morre Plains, Walgett, Narabri, Coonamble, Warren, Lachlan, Carrathool, Leetong, Murrumbidgee, Windouran, Murray and Griffith. The Award (Clause 38 (iv)(c)) also states that in addition to what is provided in Sunclase (a) the allowances shall be paid to those employees during periods of absence on paid sick leave, public holidays and annual leave but not otherwise.

Additionally under (Clause 38 (v)) where an employee prior to May 1995, had an entitlement to transfer accumulated sick leave from one council to another council in NSW, under the Local Government Senior Officer's Award the employee shall retain this entitlement.

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1.7 Procedural Documents

1.7.1 Example of Sick Leave memos to Staff

File: Personal

To: <employee name>

Copy: <General Manager name>

From: <Human Resources Officer name>

Date: <date sent>

Subject: Sick Leave

An examination of Council's records reveals that you have taken three (3) separate periods of sick leave since your anniversary date in <month> and I advise of the following Local Government (State) Award provision;

"That proof of illness to justify payment will be required after two (2) days absence or after three (3) separate periods in each service year."

Therefore you are hereby advised that Council will require proof of illness to substantiate any future sick leave taken.

Failure to produce the necessary proof, usually by means of a doctor's certificate, will result in the time being taken from your Annual Leave entitlement/Long Service leave entitlement.

Should you require additional information in relation to this matter could you contact your immediate Manager/Supervisor.

<name>

Human Resources Officer

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1.7.2 Leave Request Forms

BREWARRINA SHIRE COUNCIL APPLICATION FOR LEAVE

Annual Leave application must be submitted a minimum of fourteen (14) days in advance.

Date: _____

The General Manager
Brewarrina Shire Council
BREWARRINA NSW 2839

Dear Sir

Application is made for:

Annual Leave	Sick Leave	Leave without Pay
Carers Leave Please attach proof of illness	Compassionate Leave Death of _____	Long Service Leave
R.D.O	Other _____	

From _____ am/pm _____ (date)

to _____ am/pm _____ (date)

Total working hours = _____ **OR** days = _____

Public Holidays = _____ Total days = _____

Please tick if you require
payment in advance **OR** paid fortnightly

Name in block letters

Employee No

Signature

OFFICE USE ONLY

Leave Recommended by:- _____

AVAILABLE LEAVE: Annual _____ Sick _____

L.S.L _____ R.D.O _____

Leave Approved by:- _____

Leave entered in Register:- _____ Cost/Pay Clerk Date: / /

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Important:

Your leave is not approved until it is signed as “approved” by the Department Manager or the General Manager. You will know your leave has been approved when a copy of the request, signed as approved, is returned to you.

Until that advice has been received you will not be paid for time away from work. If you are absent from work for any reason other than urgent sick leave, without an approved request you will not be paid. Approval will not be given during or after the leave has been taken.

Note:

- a) Sick Leave will only be granted when the employee is sick or, is seeking treatment for his or her illness, and the Council can be satisfied that the illness justifies the time off.
- b) A **doctor's certificate** must be attached to this application if the sick leave exceeds **two (2) days** or if you have already been absent from work three times in the current year.
- c) Application for all leave except Sick Leave should be submitted fourteen (14) days in advance, and if possible, all annual leave and long service should commence on a Monday.
- d) Carer's Leave is taken out of available Sick Leave and will only be granted when **satisfactory evidence** is provided as to the illness, and need to care, for a member of the family. Carer's leave requires a doctor's certificate from the treating doctor which states that:-
 - i) A full time carer is required for the patient full time.
 - ii) You as Council's employee are nominated by the doctor as being capable of providing that care.
 - iii) You are the only carer that has been nominated by the doctor for the patient.
 - iv) The relationship of you, the employee, to the patient.

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1.7.3 Union Picnic Day Submissions

Agenda Submission for Council Meeting held on 22 September 2006

TITLE:	<u>Union Picnic Day 2006/07</u>	DOC REF: S6-10 Item 7
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REPORT BY:	Sunil Prakash – General Manager	DATE: 5/09/2006
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ATTACHMENTS:

- Page 30 Local Government (State) Award 2004.
- Letter from John Archer Union Delegate

EXECUTIVE SUMMARY:

BACKGROUND.

The Local Government (State) Award 2004 provides for a holiday for Council employees to be granted on request from the Union on a mutually agreed day.

It has been Council's tradition to have the Union Picnic Day on the Friday before the Labour Day long weekend. A letter has been received from the Union requesting that Friday 29th September, 2006 be granted as a Council Union Picnic Holiday.

SCOPE

The Award provisions describe in detail the way the Union Picnic holiday should be administered by Council for the employees who are Union members and who are not Union members. The Award provides for the Union Picnic Day holiday for all financial members of the Union. If Council does not have any objection to the date then the Union's request should be granted.

Employees who are not financial members of the Union can be given a choice to work on Friday 29th September 2006 as a normal day work or apply to take annual leave, a rostered day off or time off in lieu of overtime.

If it considered by Council that it is inappropriate to differentiate between employees who are financial members of the Union, and who are not then Council should grant Friday 29th of September 2005 as a Union Picnic Day Holiday for all Council Employees.

CONCLUSION.

It should be noted that Council granted non members the same entitlements to paid leave as Union members for the Union Picnic Day Holiday for the year 2005. There is no change in Council's circumstances from last year for Council to change its position on this issue.

Therefore it is considered reasonable that Council approve that the Union Picnic Day be held on Friday 29th September 2006 and all non members receive the same entitlements to paid leave as non members.

FINANCIAL IMPLICATIONS:

Same as last year i.e. cost of day wages of all non members.

LEGAL IMPLICATIONS:

Council granted the Union Picnic Day Holiday to all employees last year. This will not establish any new precedence.

RECOMMENDATION:

1. That Council resolve that the Union Picnic Day, be held on Friday 29th September 2006 and all non members receive the same entitlements to paid leave as the financial members of the Union.

General Manager

.....
GENERAL MANAGER

.....
MAYOR

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1.7.4 Union Picnic Day memos to Staff

File: S6-16
To: All Staff
Copy: <Human Resources Officer name>
From: <General Manager Name>
Date: <date sent>

Subject: PICNIC DAY – <date>

As a result of the Brewarrina Shire Council meeting held on <date of meeting> Council has resolved to grant ALL staff a Picnic Day holiday on <date of Picnic day>.

Kind Regards

<General Manager name>
General Manager

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1.7.5 Rostered Day Spreadsheet

BREWARRINA SHIRE COUNCIL					
OFFICE - FLEXI DAY ROSTER					
FOR PERIOD <START DATE> TO <END DATE> TO BE COMPLETED BY <FRIDAY BEFORE ROSTER COMMENCES>					
NAME	TITLE	HRS IN SUSPENSE AS AT <START DATE OF ROSTER>	DATE	DAY	SIGNATURE
<NAME>	<POSITION>	<HOURS>			
<EMPLOYEE NUMBER>					
<NAME>	<POSITION>	<HOURS>			
<EMPLOYEE NUMBER>					
<NAME>	<POSITION>	<HOURS>			
<EMPLOYEE NUMBER>					
<NAME>	<POSITION>	<HOURS>			
<EMPLOYEE NUMBER>					
<NAME>	<POSITION>	<HOURS>			
<EMPLOYEE NUMBER>					
<NAME>	<POSITION>	<HOURS>			
<EMPLOYEE NUMBER>					
<NAME>	<POSITION>	<HOURS>			
<EMPLOYEE NUMBER>					
APPROVED: _____			DATE _____		
GENERAL MANAGER					
NOTE: PLEASE COMPLETE IN PEN AND ADVISE THE GENERAL MANAGER OF ANY CHANGES IMMEDIATELY.					
NOTE: STAFF ARE NOT TO ACCUMULATE MORE THAN 3 FLEXI DAYS					
PLEASE COMPLETE ASAP AND PASS ON TO NEXT PERSON SO CAN BE APPROVED					

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1.7.6 Rostered Day Off memo

File: <employee number>
To: <employee name>
Copy: <Employee's manager>
From: <Human resources Officer>
Date: <date>

Subject: Accumulation of RDO's

Hi <name>,

Just to let you know that you have currently accrued more than 3 days worth of Rostered Days Off. At this stage you have <number> hours accrued. These hours need to be reduced, so where possible we encourage you to take this leave at a time both convenient to you and council.

Kind Regards

<name>
Human Resources Officer

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1.7.9 Procedure when applying for Leave

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