



Anglican Parish of Mernda/Doreen

Staff Leave Policy

Approved:

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1. Policy Statement

The Anglican Parish of Mernda/Doreen is committed to promoting work life balance for all staff. The Parish acknowledges the need for staff to take leave to ensure the ongoing health of staff and their families.

The national workplace relations system governed by the Fair Work Act 2009 sets the National Employment Standards (NES), which are the minimum entitlements for employees.

2. Policy Purpose

The aim of this policy is to detail staff leave entitlements, accrual of leave, and procedure for applying and taking leave.

3. Application of Policy

This policy applies to all staff of Anglican Parish of Mernda/Doreen, except casual staff.

4. Related Legislation

- National Employment Standards (NES)
- Fair Work Act 2009
- Clerks-Private Sector Award 2010
- Juries Act 1927

5. Definitions

Clergy: An ordained minister

Authorised Stipendiary Lay Minister (ASLM): Staff who hold a licence from the Archbishop as a lay minister.

Administrative staff: Staff employed primarily to provide an administrative function

6. Public Holidays

6.1. Entitlement

Clergy & ASLMs

Clergy & ASLMs are required to work some public holidays, for example Christmas Day, Good Friday, and Easter Sunday, as part of their duties. They are not entitled to days off in lieu for working public holidays.

Clergy & ASLMs accrue five (5) weeks Annual Leave per year pro rata to compensate for worked public holidays and the lack of long weekends with their families.

Administrative Staff

Administrative staff are entitled to public holidays as gazetted by the Victorian State Government.

Administrative staff employed on a part-time basis are entitled to public holidays that fall on their normal working days.

7. Annual Leave

7.1. Entitlement

Clergy & ASLMs

Annual leave is accrued on the basis of five (5) weeks per year for full time staff and on a pro rata basis for part time staff.

Administrative Staff

Annual leave is accrued on the basis of four (4) weeks per year for full time staff and on a pro rata basis for part time staff

7.2. Leave Requirements

There is no minimum requirement for the number of days taken at any one time, however annual leave must be taken at a mutually agreeable time between staff and the Senior Minister.

The Senior Minister's leave should be taken a mutually agreeable time between the Senior Minister and the church wardens.

To ensure that staff have appropriate breaks and that the Parish can manage staffing levels, staff should ensure their accrued leave doesn't exceed their annual entitlement.

Approval from the Wardens must be received to accrue leave balances beyond that accumulated in any one year's service

7.3. Annual Leave Loading

Administrative staff are entitled to payment of annual leave loading per the Clerks-Private Sector Award 2010 or employment contract.

Leave loading is paid at a rate of 17.5% of the gross value of annual leave on each occasion it is taken. Leave loading is not paid on termination.

7.4. Annual Leave in Advance

Staff applying for more leave than they have available will need the Wardens' approval for the additional days which will be taken in advance. Leave in advance is reviewed on a case by case basis and there is no guarantee that this will be granted.

7.5. Public Holidays during Annual Leave

Public Holidays that fall within a period of annual leave do not count as annual leave and do not attract annual leave loading.

7.6. Illness during Annual Leave

Where a staff member with accrued sick leave entitlements is ill for two or more consecutive days while absent on annual leave, the staff member shall, on production of a medical certificate from a registered medical practitioner, have those days deducted from his or her sick leave, and have a corresponding number of days re-credited to their annual leave. The re-credited annual leave is to be taken at a time agreed between the staff member and the Senior Minister.

In the event that a staff member has received payment in advance for annual leave loading, the staff member will be required to refund the amount of annual leave loading when the annual leave is re-credited.

7.7. Payment on Termination

Unused annual leave entitlements will be paid on termination excluding leave loading.

Clergy should be aware that their unused annual leave is paid by the Diocese. We recommend communicating clearly with the payroll office well in advance of your finish date.

7.8. Administration

- Notification of absence
When taking annual leave, staff should provide reasonable notice to the Senior Minister of the desired period of annual leave to ensure cover can be organised as necessary.
- Leave Application forms
A leave application form must be completed prior to taking leave. The form is to be filed and accessible by the Parish Treasurer, Wardens and Senior Minister.
- Annual Leave Balance
Annual leave balances in days can be obtained from the Parish Bookkeeper.

8. Summer break at Plentylife

8.1 For the period from December 27th to December 31st, all staff will not be required to work, whilst continuing to be paid. Annual leave is not required to be taken for this period however staff are required to be on call for emergencies on their normal work days during this time. If staff do not want to be on call during this period, they will need to take annual leave.

8.2 Historically January has been a month where the normal gathering rhythms of Plentylife have been very different from the rest of the year. This potentially creates some greater flexibility for staff in the way they work during January. For example, staff may organise to change their regular work days or bank some days in lieu to allow for longer breaks.

- Flexible January working arrangements must be arranged in advance and at a mutually agreeable time between staff and the Senior Minister.
- The Senior Minister's flexible January working arrangements should be organised in advance and taken at a mutually agreeable time between the Senior Minister and the church wardens.

9. Personal/Carer's Leave

The term 'personal/carers leave' effectively covers both sick leave and carer's leave. These forms of leave are to help staff deal with personal illness and to provide care or support to a member of their immediate family or household, because of an illness, injury or unexpected emergency affecting the member.

9.1. Entitlement

Clergy

Clergy do not accrue personal/carer's leave. Clergy are required to provide a medical certificate or statutory declaration in the circumstances outlined in 9.2 'Medical Certificates'. If a Clergy member is unable to perform their duties due to accident or sickness and the services of a locum are required, the Parish may claim reimbursement through the Diocesan Insurance Office.

ASLMs and Administrative Staff

Full time staff are entitled to ten (10) days of personal/carer's leave per year. Part time staff may use up to their pro rata entitlement days per year. The entitlements are cumulative from year to year and are not paid on termination of employment. If there is a public holiday while the staff member is on personal leave, the staff member is not deemed to be on personal leave for this day.

9.2. Administration

- Notification of absence

When taking personal or carer's leave, staff must notify the Senior Minister in advance or as soon as possible to allow temporary cover to be organised if necessary.

- Leave Application forms

A leave application form will need to be completed prior to taking leave or when returning from leave for each occasion sick and carer's leave is taken.

The form is to be filed and accessible by the Parish Treasurer, Wardens and Senior Minister.

- Medical Certificates

In certain circumstances staff are required to provide a medical certificate or statutory declaration. These circumstances are as follows:

If the duration of personal leave is two (2) consecutive days or longer.

If the absence occurs on the day before, or the day after, a public holiday, a weekend or annual leave.

If more than four (4) days personal leave is taken in any one year.

The following information will be required from staff members when taking carer's leave:

The name of the person requiring care.

Your relationship to them.

The reasons for taking leave.

An estimate of the length of absence.

A medical certificate or statutory declaration confirming that the nature of the illness or disability of the person concerned requires the care of another person.

- Unpaid Carer's Leave

By agreement with the Senior Minister, staff can take unpaid leave instead of Carer's Leave to take care of a family member who is ill. Unpaid leave would be taken in the event that no sick or annual leave entitlements were available.

10. Compassionate Leave

Compassionate Leave is provided for staff assisting direct family members who have sustained a life threatening illness, injury or death.

10.1. Entitlement

Staff are entitled to two (2) days' compassionate leave on each occasion a member of their immediate family or household in Australia dies.

Compassionate leave is not cumulative from year to year.

Where a staff member requires more than two (2) days compassionate leave days in relation to one situation, the staff member may access annual leave if available or may be granted additional days compassionate leave at the discretion of the Senior Minister or Wardens.

A staff member may take compassionate leave for each occasion as:

- a single continuous two day period or
- two separate periods of one day each or

- any separate period to which the staff member and the Senior Minister or Wardens agree.

10.2. Administration

- Notification of absence

When taking compassionate leave, staff must notify the Senior Minister or wardens in advance or as soon as possible, to allow temporary cover to be organised if necessary.

- Leave Application forms

A leave application form will need to be completed prior to taking leave or when returning from leave for each occasion compassionate leave is taken.

11. Long Service Leave

11.1. Entitlement

Clergy

Clergy are entitled to long service leave in accordance with the Anglican Diocese of Melbourne Conditions for Clergy Long Service Leave – 2013, as approved by the Archbishop.

In summary:

- Clergy who have a minimum of 10 years of qualifying service within the diocese are eligible for long service leave.
- Long service leave is calculated at the rate of 1 week for each year of qualifying service.
- After 10 years qualifying service, 10 weeks leave is available and may be taken in one or two separate periods that equal 10 weeks.
- The benefit payment from the long service leave fund will be received by the parish and is designed to assist the parish with the increased cost associated with having a locum.

ASLMs and Administrative Staff

Full-time and part-time ASLM and Administrative staff are entitled to long service leave under the terms and conditions of the Clerks-Private Sector Award 2010 together with the National Employment Standards (NES) and the Fair Work Act 2009.

- ASLM and Administrative staff employed on a full time basis are entitled to 13 weeks' long service leave after 15 years' continuous service.
- After 10 years' continuous service ASLM and Administrative staff can take pro-rata long service leave from their accumulated entitlement, up to a maximum of 43 working days.
- After 15 years' service, long service leave accumulates at the rate of 4.33 weeks for every five year period of continuing service.
- When a staff member has completed 15 years of service he/she is required to use their accrued long service leave within 4 years of it becoming due.
- The initial 13 weeks of long service leave may be taken in two or three separate periods.

11.2. Leave Requirements

Long service leave must be taken at a mutually agreeable time between staff and the Senior Minister and/or Wardens.

The Parish reserves the right to direct ASLM and Administrative staff members to take the whole or a portion of their long service leave by providing at least 60 days notice in writing, outlining when the period of leave will commence and conclude.

The minimum amount of long service leave that can be taken is two (2) weeks.

11.3. Payment on Termination

ASLM and Administrative staff who have completed 7 years of continuous service will receive pro rata payment of long service leave on termination of employment.

11.4. Administration

- Notification of absence
Notice of leave should be advised well in advance to allow time for appropriate

staffing arrangements.

Clergy

The Long Service Leave Fund requires a minimum six (6) weeks' notice.

ASLM and Administrative Staff

At least one (1) months' notice is required.

- Leave Application forms

Clergy

Clergy are required to write to the Regional Bishop seeking approval for the proposed leave. They should indicate that the Wardens support the application and the proposed dates.

ASLM and Administrative Staff

Long service leave applications must be completed on the appropriate Leave Application form and approved by the Senior Minister or Wardens.

12. Community Service Leave

Community service leave is provided to staff members to engage in prescribed community services activities, such as emergency service duties.

12.1. Entitlement

Staff may access unpaid leave in order to participate in emergency management activity, such as bushfires, flood or other disasters.

A staff member engages in emergency activity only if they:

- engage in an activity that involves dealing with an emergency or natural disaster;
- the staff member engages in the activity on a voluntary basis; or
- the staff member is a member of, or has a member- like association with, a recognised emergency management body.

12.2. Administration

A staff member's absence from employment is not covered by community service leave unless the staff member complies with the notice and evidence requirements under the Fair Work Act 2009.

- Notification of absence

When taking Community Service Leave staff must notify the Senior Minister in advance or as soon as possible. The expected period of absence should also be provided so that cover can be organised if necessary.

Staff may be required to provide evidence that they are entitled to community service leave.

- Leave Application forms

A leave application form will need to be completed prior to taking leave or when returning from leave for each occasion of community service leave.

13. Jury Service Leave

13.1. Entitlement

Staff who receive a summons for jury service, as per the Juries Act 1927, will continue to be paid their normal salary in respect of the ordinary time they would have worked had they not had to attend jury service.

Staff attending jury duty will be required to sign over any payment received by them from the court as a result of their jury service to the Parish.

Jury service leave granted will not constitute a break in employment service.

13.2. Jury Service and Annual Leave

Staff who are required for jury service at a time when they would have been on annual leave or long service leave may either:

- Change the dates of their leave where appropriate; or
- apply to the relevant Court Authority for jury service to be deferred.

Staff who defer the jury service will be expected to avoid suggesting times that are likely to cause undue hardship to the Parish such as times of peak workload.

13.3. Administration

- Notification of absence

Staff will notify the Senior Minister or Wardens as soon as they are aware of the date they are required for jury service. Staff will also be required to collect a “Certificate of Juror” as proof of their attendance.

14. Parental Leave

The Parish supports parents to balance their family commitments and career. All staff of the Parish are entitled to paid and unpaid parental leave.

14.1. Eligibility for Leave

- a) Parental leave for staff is available for a period of up to and including 52 weeks to care for a child in the first year of the child’s life.
- b) The period of leave may start up to six (6) weeks before the expected date of birth of the child, but must not start later than the date of birth of the child. If a pregnant staff member is to continue working into the six (6) weeks before the date of birth a medical certificate will be required for each week up to the birth.
- c) Leave is available to staff who are full-time and part-time provided that such service has been continuous for not less than twelve (12) months within the Parish / Diocese immediately before the date of application to the Wardens / Bishop.
- d) Such arrangements relating to parental leave are to be concluded three months before the expected date of birth and be approved by the Wardens or Bishop.

14.2. Entitlement

Each staff member is entitled to take up to twelve (12) months of unpaid parental leave. The staff member may request a further period of up to twelve (12) months unpaid leave from the Parish. This may be granted subject to the Parish’s requirements.

- a) Subject to the eligibility criteria for the Australian Government Paid Parental Leave (please refer to the ATO website Paid Parental Leave: Information for Parents) a payment of \$695.00¹ per week (gross) for 18 weeks (continuous) will be paid to the staff member in line with the monthly payroll.

¹ Current June 2018

- b) It is the staff member's responsibility to lodge the claim for paid parental leave with the Family Assistance Office which will assess the parent's eligibility. Claims can be lodged up to three months prior to the expected date of the birth or date of placement for adoption.
- c) Please note that parental leave pay is not a leave entitlement, but it will complement parent's entitlements to leave, such as unpaid parental leave under the National Employment Standards.
- d) The remaining leave will be unpaid except that any outstanding leave currently available may be taken as paid leave during the 52 weeks and for any such paid leave the Parish will be responsible for payment.

14.3. Both members of a staff couple taking leave

The following rules apply to a staff couple if both staff members take unpaid parental leave:

- a) Both staff may at the same time each take up to three weeks unpaid parental leave (reducing their overall entitlement of 52 weeks) either immediately after the birth or placement of a child or, by agreement with the Parish, at any time during an extended period starting before the birth and ending no later than six weeks after the birth or placement.
- b) Remaining leave must be taken separately in a single continuous period (paid leave, such as annual leave, may be taken at the same time).
- c) If the staff member who takes leave first is pregnant or gives birth they may start their leave up to six weeks before the expected date of birth.
- d) If the staff member who takes leave first is not pregnant, their leave must start on the date of birth or placement of a child.
- e) The second staff member must start their leave immediately after the first staff member's leave finishes
- f) They are entitled to no more than 24 months between them.

14.4. Other Provisions

- a) Parental leave shall count as non-continuing service for long service leave benefits, and no annual or sick leave entitlements will accrue during the unpaid period of parental leave taken.

- b) The position occupied prior to leave being granted will be held for the 52 week period of leave. Staff must, at least four weeks before the expiration of the 52 week period, state their intention of returning to that position, or must negotiate a return to work after an agreed period of leave not exceeding 52 weeks with the Parish, or be deemed to have resigned from that position, in which case 4 weeks' notice shall be required. In the case of an agreement to return to work, the Parish may employ his/her replacement only on a clearly understood temporary basis until the 52 weeks expires.
- c) If a house is provided, Clergy and ASLM staff on unpaid leave will be responsible for rent, at a mutually agreed rate. If a housing allowance has been paid, this will not be paid during the period of unpaid leave. If the cleric's spouse is an ordained person and has a parish or Diocesan position, any rent applicable or housing allowance may be taken up for the period by the spouse's Parish/Diocese.
- d) A minimum of 4 weeks' notice will be required through notification to the Wardens / Bishop of the readiness to return to employment.
- e) As per national standards, up to 10 days paid Family and Domestic Violence leave can be taken by Plentylife staff if they need to do something to deal with the impact of family and domestic violence and it's impractical to do so outside their ordinary hours of work.
 - (i) the leave is available in full at the start of each 12-month period of the staff member's employment;
 - (ii) the leave does not accumulate from year to year.

14.5. Special Parental Leave

A female staff member is entitled to a period of unpaid special parental leave if she is unfit for work during that period because:

- a) she has a pregnancy related illness; or
- b) she has been pregnant, and the pregnancy ends otherwise than by the birth of a living child.

Parental leave applied for but not commenced shall be cancelled where the pregnancy of a staff member ends other than by birth of a living child.

14.6. Adoption Leave

A staff member who submits to the Wardens / Bishop satisfactory evidence of being an

approved applicant for the adoption of a dependent child and of the date of placement of that child and declares that he or she is the major carer for that child shall be entitled to 52 weeks of unpaid parental leave commencing no later than the date of placement of the child. Paid leave entitlements for adoption leave will be in line with the Australian Government Paid Parental Leave.

This leave will be granted provided that the staff member has served with the Parish/Diocese for a period of not less than twelve (12) months before the date of application to the Wardens / Bishop.

14.7. Administration

- Notification of absence

When a staff member is planning to take parental leave, at least three (3) months' notice will be required to the Wardens, for Administrative and ASLM staff, or to the Bishop for Clergy.

- Leave Application forms

A leave application form will need to be completed prior to taking leave for each occasion Parental leave is taken.

- Medical Certificates

A medical certificate outlining the expected date of birth will be required.