



**uniting  
church**  
in Australia,  
Synod of NSW & ACT

# Personal Leave

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# 1 Overview

Personal leave is available to employees in the event that illness or injury prevents them from attending work. It also supports employees during times when an immediate family or household member needs care through illness or injury, or in the event of an unexpected emergency.

## 2 Purpose of Policy

The purpose of this policy is to provide employees with information in relation to personal leave accruals and the circumstances under which personal leave may be taken.

## 3 Applicability (scope)

This policy applies to all permanent and fixed-term full-time and part-time colleagues employed by the Synod of NSW and ACT ('**Synod**'). It does not apply to casual employees, independent contractors, volunteers or individuals engaged through external agencies.

## 4 Responsibilities

**The Director, People and Culture** owns the policy and is responsible for its implementation and application.

**People Managers** have a responsibility to:

- ▶ Consider the absent employee's work commitments and re-allocate work if and as appropriate;
- ▶ Notify others (e.g. team-members) of the employee's absence together with any necessary adjustments to work priorities;
- ▶ On the employee's return, ensure the employee completes a leave request form, and provides an accompanying medical certificate (where required);
- ▶ Provide relevant document(s) to Payroll in a timely manner; and
- ▶ Where an employee is away for an extended period to:
  - ▶ Keep in touch with the employee and offer support (balancing care for the employee against the employee's need for rest, recuperation and privacy); and
  - ▶ Re-allocate the employee's work as appropriate

**Payroll** has a responsibility to:

- ▶ Manage personal leave accruals and to appropriately record any absences; and
- ▶ Providing regular reporting to the Director, People and Culture and work with them to identify any trends.

**Employees** have a responsibility to:

- ▶ Notify their People Manager as soon as possible but no later than their regular starting time on the day of their impending absence together with the likely duration of that absence (if known);
- ▶ Notify their People Manager of any work or meetings that require attention during their absence (we acknowledge that depending on the reason for the absence, this may not always be possible);
- ▶ In the case of absences of more than one day, keep their People Manager informed of their progress and likely return to work;
- ▶ Provide a medical certificate for any absences of three consecutive days or more; and

- ▶ On their return to work, complete a leave application form and provide a medical certificate where required

In the case of any COVID-related symptoms, employees are required to stay home and not return to work until they have tested negative for COVID and are cleared by the relevant authorities. Where an employee is well enough, they may work from home (by agreement with their People Manager). Alternatively, they may take personal leave.

## 5 Principles

### 5.1 Personal leave definition

Personal leave covers both sick leave and carer's leave and can be used in the following circumstances:

- ▶ sick leave – when an employee is unfit for work because of illness or injury; or
- ▶ carer's leave – where an employee needs to provide care or support to a member of their immediate family or household, because of:
  - ▶ illness or injury affecting that person; or
  - ▶ an unexpected emergency affecting the family or household member.

“**Immediate family member**” means:

- ▶ a spouse or de facto partner;
- ▶ a child, parent, grandparent, grandchild or sibling of either the employee or the employee's spouse / de facto partner; or
- ▶ a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

A reference to a spouse or de facto partner in the definition of family member includes a former spouse or de facto partner and includes same sex and intersex couples.

### 5.2 Entitlement and accruals

Full-time permanent employees accrue 10 days' paid personal leave per year of service. It accrues on a continuous basis from commencement of employment based on the employee's contracted ordinary hours of work.

Employees employed on a part-time basis or for a fixed term accrue personal leave on a pro-rata basis. For example:

- ▶ A part-time employee working three days per week accrues six days or 45.60 hours paid personal leave per year.
- ▶ A full-time employee employed for a period of six months will accrue five days or 38 hours paid personal leave during their period of employment.

Individuals employed on a casual or ad hoc basis and volunteers are not entitled to paid personal leave but may take unpaid leave or have an unpaid absence should illness or injury (to themselves or an immediate family or household member) occur on a day or days they were expected at work.

It is our goal that, when attending work – either in the office or at home – individuals feel well enough to do so and know that they can take time off in the event they don't.

Unused personal leave accumulates from year to year and does not expire. Accrued personal leave cannot be cashed out, and is not paid out on termination of employment.

### **When compassionate leave doesn't apply**

In circumstances where death or serious illness of either a loved one or a beloved pet falls outside of our compassionate leave policy, employees may, with the approval of their People Manager, elect to take up to three days' paid personal leave instead. Where an employee has insufficient personal leave accrued, they may wish to consider annual leave or leave without pay, by agreement with their manager.

### **5.3 Provision of medical certificates**

Employees are required to provide a medical certificate with their leave request form:

- ▶ For absences of three or more consecutive working days;
- ▶ In circumstances where they have exhausted all of their paid personal leave entitlements. In such circumstances the Synod will notify the employee in advance that a medical certificate is required for all future personal leave:
- ▶ In circumstances where there are concerns relating to attendance management.

A medical certificate may be provided by a registered health practitioner and may include, depending on the nature of the illness or injury, a GP, a registered psychologist, dentist, chiropractor, or physiotherapist.

Please note that failure to provide a medical certificate, as outlined in this policy, may deem the absence as unauthorised leave and may, as a consequence, be treated as a misconduct matter.

### **5.4 Prolonged personal leave**

In the case of absences of more than five (5) consecutive working days or more, we ask that a medical certificate be provided:

- ▶ at least every two weeks; and
- ▶ before the employee returns to work, verifying that they are medically fit and able to resume pre-illness duties.

In cases of prolonged leave, a gradual return to work or a temporary modification to duties may be required. In such cases, and to ensure we are supporting the employee in the right way, the Synod will, with the employee's consent, work with the employee's treating practitioner, to determine the best way forward.

### **5.5 WorkCover**

Absences due to work-related illness or injury may be covered by Workers Compensation Insurance – please refer to the Synod's Workers Compensation and Return to Work Policy for further details.

### **5.6 Alternatives to personal leave**

In circumstances where an employee has insufficient personal leave accrued (including in circumstances where the employee has been with the Synod for a short time) and illness or injury of the employee (or immediate family or household member) prevents an employee from coming to work, the Synod will, at its discretion allow the employee the equivalent of five days' personal leave by allowing their personal leave balance to temporarily go into negative. That is, if the employee's absence was for a period of five working days and the employee had two days'

personal leave accrued, that employee would be permitted to have three days' negative personal leave which would then be debited against future accruals until the employee returns to zero or positive personal leave balance.

The ability to go into negative personal leave is not a right and the Synod, at its discretion, may instead require the employee to take unpaid leave or, at the employee's option, annual leave. In the event the Synod exercises this right, the employee will be given advance notice.

When an employee's personal leave balance is exhausted and the employee elects to take unpaid leave or annual leave, the need for a medical certificate will continue to apply. That's because, regardless of the type of leave being taken, the reason for absence is illness or injury either of self or of a family or household member for whom the employee has carer responsibilities.

Employees should be aware that taking unpaid personal leave will impact take home pay and may impact superannuation contributions and leave accruals.

## **6 Other Policies and Legislation**

Fair Work Act  
Work Health and Safety Policies  
Return to Work Policy  
Compassionate Leave Policy  
Leave Without Pay Policy  
Annual Leave Policy

## **7 Review**

This policy will be reviewed three years from its implementation or earlier as deemed necessary or appropriate due to legislative or other changes.

## **8 Terms and Conditions**

This Policy does not form part of any contract of employment or contract of engagement and may be amended, replaced or revoked at any time by the Synod at its discretion.