

LEAVE ENTITLEMENTS

Personal / Carers / Compassionate Leave

It is inevitable that people get sick from time to time. If you are unable to perform your duties because you are sick, then you are not permitted to attend work. Additionally, if you are caring for an immediate family or household member because of an unexpected emergency or illness, then you are permitted to take leave.

Full-time and part-time staff generally accrue 10 days personal/carers leave per year. This is cumulative, meaning, any unused leave does not expire but simply banks up. Casual staff do not get paid personal/carers leave because they receive an additional casual loading to compensate them for this.

If you are sick, you will automatically be on unpaid sick leave. In order to be eligible for paid sick or carers leave, you must:

1. Have enough leave hours accrued in your employee bank account; and
2. Provide the appropriate medical health certificate from a registered health practitioner or a statutory declaration; and
3. Lastly, you must notify your manager as soon as reasonably practicable and meet the requirement notification set out by AAG and your department manager.

If staff do not meet all three requirements above, the leave will generally be unpaid authorised leave.

NOTE: Managerial discretion will always apply in these above matters

Compassionate Leave: Upon the death or life threatening illness or injury of an immediate family or household member, staff will also be entitled to 2 days compassionate leave (formally called bereavement leave) on each occasion. As with personal and carers leave, evidence will need to be produced.

EXAMPLE Stevo is rostered to start work at 8.30am on Monday morning. However upon waking up he doesn't feel well. He decides to go to the Doctor that morning and the Doctor diagnoses him with a serious bout of man flu. Stevo has 11 days of personal/carers leave banked up. He decides to do some shopping while he is out and about and later towards the end of the day, sends an SMS to his manager advising he is sick.

Stevo will not be paid for the day he was sick because he did not meet the notification requirements and did not have a reasonable excuse for delaying to call his manager. Furthermore he did not personally telephone his manager.



DO's

- ✓ Personally telephone your manager
- ✓ Telephone your manager as soon as possible
- ✓ Provide a medical certificate from a registered health practitioner
- ✓ All applications for leave must be submitted and authorised by your manager prior to sending to HR and Payroll. This is to be done on a HR Form 3.

DONT's

- ✗ Get friends or family to telephone on your behalf
- ✗ SMS, e-mail or fax your notification
- ✗ Forget to bring in the appropriate medical health certificate if required

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Annual Leave

AAG is a national organisation with approximately 500 staff. We also have many divisions within our organisation which makes servicing the customer a challenging undertaking. For these reasons, annual leave is only granted in accordance with this policy.

As a general rule, full-time staff will accrue 152 hours of paid annual leave per year. Part-time staff will accrue leave on a proportionate basis to a full-time employee, based on their hours of work. For example, if a part-time employee works 19 hours per week (i.e. half of that of a full time employee), then they will accrue 76 hours of paid annual leave per year (which is half that, of a full -timer). Casual staff are not eligible for annual leave and receive a higher hourly rate to compensate for this.

Annual leave must be requested for in writing, at least 14 days before you intend to take the leave. You must use AAG's leave request form and be passed by your manager for initial approval. Your manager will consider your request on operational grounds and pass it to the Human Resources Department for formal approval.

In some cases, your manager will decline your request because of operational reasons. Leave should only be assumed to have been granted if approved in writing.

Staff are not permitted to allow their annual leave to accrue more than 6 weeks. If this occurs you will be directed to take leave at a time convenient to the business.

TIP: The more notice you give your manager, the better the chance your leave will be approved!

Cashing In Leave

The cashing in of annual leave is a complex area and does not promote good work health and safety.

For this reason, it is not AAG's policy to cash in annual leave with an employee except in most extreme of circumstances. Staff are required to ensure they take a minimum of 2 weeks of their annual leave per year, for work health and safety purposes.

Any staff member with excessive accrued annual leave, may be directed, by AAG Human Resources, to take it at a time convenient to the business.

| | | |
|----|---|-----------------------------------|
| No | Do I have the annual leave that I am requesting accrued? | Yes |
| No | Am I giving at least 14 days notice to take my leave? | Yes |
| No | Have I filled in the correct leave application form? | Yes |
| No | Have I given the correct form to my manager for initial approval? | Yes |
| No | Did my manager approve and pass my request form to the HR Department for formal approval? | Yes |
| No | Have I received formal approval from the HR Department? | Yes |
| | You leave request will be declined | You leave request will be granted |

DO's

- ✓ Give as much notice as possible
- ✓ Submit your request in writing using the proper leave request form
- ✓ Submit the relevant leave request form to your manager
- ✓ Give at least 14 days' notice from when you wish to take your leave

DON'T's

- ✗ Email, SMS or verbally submit your request
- ✗ Give less than 14 days' notice
- ✗ Get another person to lodge your application for you
- ✗ Don't make annual leave arrangement unless your leave has been approved and granted

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Parental Leave

Under Australian Federal laws, eligible employees are entitled to parental leave. Parental leave comprises of 3 types of leave.

- Maternity Leave.
- Paternity Leave.
- Adoption Leave.

Who can take it? To be eligible, the employee generally, must be a full-time, part-time or regular casual who has worked with the business for at least 12 months at the time the leave falls due. A regular casual is typically deemed to be an employee working regular hours with a reasonable expectation of ongoing work.

What is concurrent leave? - Parents who are married or in a de facto relationship can take up to 8 weeks unpaid parental leave at the same time. This is called 'concurrent leave.' Concurrent leave can start:

- on the birth or placement of the child
- earlier than this date, if the employer agrees or
- later than this date, but has to be within 12 months of the birth or placement of the child.

Concurrent leave can be taken in separate periods. Each period has to be at least 2 weeks long, however, an employer can agree to shorter lengths.

How much can I take? - Eligible employees are generally entitled up to 12 months of unpaid parental leave when it falls due. The employee can also request an additional 12 months of unpaid leave after the first 12 months has been used. However in this situation, the request is subject to the operational requirements of the business.

Can I come back early? - Employees wishing to come back before the planned date can only do so with the company's approval. This is because the company may have made other arrangement to temporarily cover your role. The company may have also restructured its business operations around your leave and a premature return could significantly affect the business' operations.

Keeping in touch days? - The law recognises that a person on parental leave may need to keep their skills up to date. For example, the business may implement new technologies or systems while the employee is absent. For this reason Federal laws have in place "*Keeping in Touch Days*" where an employee on parental leave can come back to work 42 days after the birth of their child for up to 10 days on full pay. This can be on regular intervals or in blocks. Often this is used if the employee needs to attend a conference, undergo company training, or participate in a planning day.

More Information - Parental leave is a complex area and employees wishing to obtain more information on parental leave, including whether you are an eligible employee are encouraged to email AAG's HR Department via hr@austautogroup.com.au.

Parental Leave Cycle

- 1** Employee becomes eligible to take maternity leave
- 2** 10 weeks before taking the leave, the employee needs to be notify their employer the proposed start and finish dates. This information used to find a temporarily replacement
- 3** 4 weeks before going on leave, the eligible employee need to fill in formal leave request in the ordinary manner. using the proper forms.
- 4** If you want to come back to work earlier than the date you specified, then you need get permission from the HR department first.
- 5** If you are not the sole carer for your child for example, you parent or spouse looks after you child regularly, AAG can ask you to return earlier
- 6** Keeping in touch days can start 42 days after giving birth. These can be once per month, or in a block to attend for example, a work conference or training session.

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Long Service Leave

What is Long Service Leave?

Long service leave can be defined as a form of paid leave in addition to annual leave. The entitlement arises after a specified period of lengthy continuous service or employment with an employer.

The purpose is to provide a reward for long service and to provide long serving employees with a respite from work and enable them to renew their energies at intervals during their working life. It can also provide an incentive for employees to remain with their employer and therefore help reduce labour turnover^{ix}.

There are differences between how the State^x and Federal LSL laws^{xi} operates however both accrue leave at the same rate. However there are differences when the entitlement to LSL can be taken or paid upon termination.

Under the NSW State LSL Act 1955, 4.3 weeks materialises once an employee has completed 5 years continuous service. This does not apply for employees covered by the Federal LSL Award 1977.

At 10 years of continuous service, an employee will generally have 8.6 weeks of LSL accrued. It will continue to accrue progressively on a weekly basis (at the rate of .86 of an hour for each completed week of service) until the employee reaches 15 years continuous service.

After 15 years of continuous service, only completed years of service will count towards long service leave, and the period of service ends at the last completed year.

How is it paid and/or cashed out?

LSL is not permitted to be cashed out under the existing NSW State and Federal legislation.

The amount paid when taken depends on the legislation. Under the NSW Act, LSL is calculated on average earnings. These average earnings are based upon either, your current earnings, an average of the last 12 months or 5 years (whichever is the greater amount of the 3).

Can I be directed to take my leave?

Yes. Although not common, businesses are permitted to direct staff to take accrued periods of LSL by giving at least 4 weeks' notice to the employee. Typically, the employee and their manager will reach a mutual agreement of when leave should be taken.

More Information

LSL is a complex area and employees wishing to obtain more information on how and when this accrues and your eligibility, are encouraged to email hr@aap.com.au



DO's

- ✓ Give as much notice as possible
- ✓ Submit your request in writing using the proper leave request form
- ✓ Remember that LSL will only be granted if the operational requirements allow for it

DON'T's

- ✗ Forget that the company can direct you to take accrued LSL with 1 months' notice
- ✗ Forget that office staff and trades staff are often covered by different legislation relating to long service leave

LEAVE ENTITLEMENTS

Community Service and Jury Leave

Jury Duty

Residents of Australia (who are not exempt) may be required to attend jury service. This is considered a civic duty that is imposed on every Australian citizen. There are many laws^{xiii} which address jury service and if you are selected to attend jury service, you are required to attend.

If you are selected as a juror, you will get paid an allowance from the Court by electronic fund transfer (EFT). This is intended to reduce any financial hardship you may incur by serving as a juror. It is not however intended to be equal to your normal wage or salary payment.

The amount you are paid by the Court depends on the length of the trial and whether you are currently employed or not employed.

AAG will make up the difference between the amounts an employee receives from the Court for attending jury duty, and the base rate of pay for their ordinary hours of work. This difference will be paid for the first 10 days only.

This make up pay will only be paid after the production of your bank statement or receipt from the Sheriff's office.

You are required to notify AAG's human resources department via hr@aag.com.au of your obligation to attend jury service so we can make alternative staffing arrangements and provide proper information so to avoid any delays with your payments

[Click here](#) for more information on payments.



Community Service Leave

Australian laws^{xiii} allow full and part time employee's to take **unpaid leave**, to engage in designated community service activities, such as a voluntary emergency management activity if the employee:

1. carries out an activity that involves dealing with an emergency or natural disaster
2. carries out the activity on a voluntary basis
3. is a member of, or has a member-like association with a recognised emergency management body and either:
 - a. the employee was requested by or on behalf of the body to carry out the activity, or
 - b. no such request was made, but it would be reasonable to expect that, if the circumstances had permitted the making of such a request, it is likely that such a request would have been made.

The NES covers reasonable rest time immediately following a community service activity to ensure that an employee cannot be requested to immediately return to work following the activity

Defence Reserve Service

Community service leave does NOT cover defence reserve service. However there are Federal laws^{xiv} in Australia which provide protections for employees during this leave.

These laws make it a criminal offence for a business (or employer) to engage in any discriminatory conduct against an employee for engaging in defence reserve service. Employers must release the employee for reservist service when required.

Please speak to HR for more information including what evidence is required for payroll and HR purposes.

