

DOB ENTERPRISES PTY LTD

DOB Attendance Policy  
IMS-501-04-POL

# Revision History

| Date       | Rev | Modified By      | Changes Made, Review History   | Reviewed by | Approved by |
|------------|-----|------------------|--|-------------|-------------|
| 01.04.18   | 0   | Sunette Opperman | Creation   | S Rupert    | S Rupert    |
| 07.08.18   | 1   | Kimarie Meyers   | Worksite, requirements   | S Rupert    | S Rupert    |
| 05.02.19   | 2   | Sunette Opperman | Abandonment of Employment Clause   | S Rupert    | S Rupert    |
| 05.02.2020 | 3   | Sunette Opperman | Update to Appendix A- include domestic violence<br>Update to persona//carers leave | S Rupert    | S Rupert    |
| 24.11.2020 | 4   | Kimarie Meyers   | Update Personal leave and add section for Compassionate & Pandamic leave           | S Rupert    | S Rupert    |
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# DOB Attendance Policy

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This policy covers expected hours of work, presence at the designated worksite, breaks, and leave policies.

## Purpose of this policy

The purpose of this policy is to ensure that team members are present and where they are expected to be to contribute to their team's work and to help with workflow.

Excessive leave, absenteeism, and group absences can have a negative impact on teams and their productivity. This policy intends to manage these issues.

## Expected hours of work

Full time employees are expected to be at work from 9.00am – 5.00pm, from Monday through Friday unless otherwise approved by the Director.

Overtime will not be paid without preapproval from your manager and the Director.

Part time employees are expected to clearly set their hours with their management team.

Some employees may be required to work additional hours to fit their team needs (for example, those team members who perform scheduling duties may need to work out of hours to accommodate rostering needs). These arrangements will be addressed on an individual basis with management.

If an employee requires a change in their hours, whether it is short-term or long-term, they are expected to clearly discuss these needs and the anticipated duration of these needs (as best as they can be assessed at the time) with their manager and the Director.

## Presence at the worksite

Employees are expected to be present at their designated worksite (designated working from home sites are considered worksites along with offices and depots) during working hours unless they have made prior arrangements with the Director.

If an employee is unable to be at the worksite for any reason during work hours, including for work-related appointments or travel, they are required to notify their manager and the Director as soon as possible and prior to the appointment or travel.

In addition to being a courtesy to your team members, this is a requirement for ongoing planning and insurance risk management.



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## Breaks

Employees are expected to adhere to their allocated lunch schedule. This schedule has been designed to maintain appropriate coverage of all departments.

Employees receive ½ hour for lunch. It is important to return from lunch in a timely manner – tardiness or delay can impact others by delaying the next person who is due to go to lunch, by creating a knock-on effect for people who take lunch later, and by leaving a department understaffed.

If an employee needs to adjust their lunch schedule on a one-off basis, they should discuss this with their team **and** confirm it with management.

If an employee needs to adjust their lunch schedule on a permanent basis, they should contact payroll and Management with their request.

If an employee needs to take a longer lunch, they should contact management to make arrangements to make up the extra time or use their leave as necessary.

Lunches will be scheduled according to departmental needs, individual considerations, and management discretion.

## Leave

DOB permanent, full-time staff members receive 20 days (152 hours) of annual leave per year and 10 days (76 hours) of personal leave per year. These days are earned pro-rata for permanent part-time employees.

Leave without pay does not accrue annual leave.

Casual employees are not entitled to paid leave.

Public holidays will be paid where they fall on an employee's normal day of work or if within a period of approved paid leave.

## Annual Leave

Employees are encouraged to take their annual leave regularly to avoid burnout.

Employees should notify their supervisor and the Director as soon as practicable that they intend to take annual leave and the duration of their anticipated leave.



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In order to schedule annual leave, an employee is expected to lodge their request on the payroll system for formal approval with their supervisor.

Annual leave must be applied for and approved in the payroll system prior to commencing a period of annual leave.

DOB Management can direct an employee to take annual leave, when an award or registered agreement allows it and the requirement is reasonable for example; the employee has an excessive annual leave balance or the employer's enterprise is being shut down for a period (such as between Christmas and New Year).

## Personal Leave

The eligibility for personal leave is prescribed by the National Employment Standards and this policy.

To be eligible for personal leave, a staff member is required to satisfy the requirements of reasonable notice and supporting documentation as prescribed in this Policy.

Personal/carer's leave accumulates from year to year.

Staff members are required to advise DOB Management or the Director as soon as practicable of the following:

- That they are unable to work
- The period of leave of expected period of leave.

A staff member is not entitled to leave if they fail to provide notice as soon as practicable.

Where a staff member exhausts their entitlement to personal leave, they will be able to access their accrued annual leave or approved leave without pay.

Personal leave may be taken for periods of 1 hour or greater.

Staff members are entitled to take paid personal leave when they are unable to attend work due to personal (as opposed to work-related) illness, injury, or incapacity, sufficient to permit them to recover.

Paid personal leave is not available if a staff member is receiving workers' compensation payments in respect of their absence.

Personal leave is available where a staff member is unable to attend work because of family/carer responsibilities. Such responsibilities may include:



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- Caring for an immediate family member or household who is ill or incapacitated temporarily and there is an unexpected absence of the usual carer (such as the unexpected closure of a child's school)
- Or an unexpected emergency. The approval of personal leave is subject to a staff member being responsible for the care of the immediate family member or household concerned. Staff members cannot take personal leave where another person is responsible for the care of the same family member unless a staff member can demonstrate a genuine need. (See Appendix A)

DOB Management is entitled to request supporting documentation that would substantiate the reason for the absence. Examples include:

**Medical certificate:** A staff member applying for personal leave in excess of one working day will be required to provide a medical certificate or other supporting documentation to justify the absence. Where the medical certificate states that the staff member is unfit to perform their duties, DOB management will consider and where reasonably appropriate, act on the medical advice relating to the staff member's illness, injury, or incapacity for the prescribed period.

**Early return to work:** Where a staff member is able to return to duties before the date specified by medical advice, the staff member may be required to provide medical evidence that they are fit to return to duties. In the absence of such advice, the staff member will be granted personal leave for the full period.

A staff member is **not entitled** to personal leave if they fail to provide supporting documentation (where requested) that would satisfy a reasonable person. In this instance, the absence will be classified as leave without pay unless the staff member applies for and is granted an alternative form of leave.

DOB Management reserves the right to require supporting documentation additional to that which is defined within this policy. In light of workplace health and safety obligations, DOB Management also reserves the right to direct a worker to seek medical clearance to continue to perform their duties.

DOB management requests that medical appointments be made during staff members' personal time so as not to impact on DOB's business operations. Personal leave is not to be used for routine or scheduled medical appointments for a staff member or a family member. The only exception is where the medical appointment is directly related to a staff member's absence due to illness, injury, or incapacity. A staff member is required to apply for annual leave or variable hours or agree with their supervisor to otherwise make up time for these absences.



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## Pandemic Leave

If an employee cannot work during a pandemic because they must quarantine or self-isolate, they should contact management immediately to discuss leave or flexible working options.

DOB Management can ask for evidence that shows why the leave was taken and can request testing and a medical clearance.

During a pandemic, employees may be entitled to unpaid pandemic leave and annual leave at half pay if this is provided for in their award.

## Compassionate Leave

Where an immediate family member or household has a serious illness, injury or dies, a staff member may access compassionate leave for the purpose of attending to the person, making arrangements for and/or attending the funeral, and/or attending to personal or other arrangements after the funeral

A permanent staff member may access a maximum of two days paid compassionate leave each time and casual employees receive unpaid compassionate leave

Staff members are expected to provide reasonable notice to DOB management.

DOB Management is entitled to request supporting evidence about the reason for compassionate leave (e.g. a death or funeral notice or statutory declaration). If the employee doesn't provide the required notice or evidence, they may not get compassionate leave. An award or registered agreement can include terms about the kind of evidence that an employee must provide to get compassionate leave.

## Leave without Pay

In all cases, applications for leave without pay will be considered by taking into account the:

- Staff member's circumstances, and
- DOB's operational requirements.

Leave without pay is not an entitlement and will be subject to the approval and convenience of DOB management. It is expected that a staff member will have exhausted all available paid leave entitlements before applying for leave without pay. Public holidays will not be paid where they fall within a period of approved leave without pay.



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Leave without pay must be recorded in the payroll system.

## Continuity of Service

All paid leave will count as service for the purpose of leave accrual, length of service, and incremental progression.

An excluded period does not break an employee's continuous service with DOB. However, it does not count towards the length of the employee's continuous service. The following are periods that are excluded from the definition of 'service' and therefore for the purpose of calculating the minimum employment period:

- any period of unauthorised absence, and
- certain periods of unpaid leave or unpaid authorised absence (there are exceptions for community service leave, certain stand downs and prescribed leave or absences).

## Excessive Absenteeism

DOB Management will manage personal leave in a fair manner that takes into account the circumstances of a staff member's absences.

If DOB management is concerned about a staff member's welfare, safety, or ability to perform their duties, management may request that a staff member obtain medical clearance before returning to work.

## Flexibility

DOB appreciates that its employees have lives outside of work, and occasionally people will need to adjust their schedules to accommodate life changes. DOB is committed to providing staff members with opportunities to arrange their schedules flexibly where possible. Examples include:

- adjusting lunch hours to accommodate a brief absence
- allowing staff members to start early in order to accommodate an extended lunch need
- allowing part-time staff members to work different days or hours

These flexible arrangements should always be discussed with your department and management before they occur, and they will be approved at management's discretion. Factors that will weigh into management's decision to adjust hours temporarily may include:

- Business and departmental needs
- Other staffing concerns
- Work management



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- The reasons why an employee is requesting an adjustment
- The duration of the required adjustment
- The potential for workplace disruption
- Performance
- And other issues as management sees fit.

## Compliance and breaches

DOB management may commence applicable disciplinary procedures if a person to whom this policy applies breaches this policy (or any of its related procedures).

## Abandonment of employment

The absence of an employee from work for a continuous period exceeding three (unless specified differently under your relevant award) working days without the consent of the Director of DOB and without notification to the Director of DOB in writing is prima facie evidence that the employee has abandoned their employment.

If within a period of 14 days from their last attendance at work or the date of their last absence in respect of which notification has been given or consent has been granted an employee has not established to the satisfaction of their employer that they were absent for reasonable cause, the employee is deemed to have abandoned their employment.

Termination of employment by abandonment in accordance with this clause operates as from the date of the last attendance at work or the last day's absence in respect of which consent was granted, or the date of the last absence in respect of which notification was given to the employer, whichever is the later.

## General Good Practice

Employees should work to ensure the following where possible:

- Their department is not left unstaffed during work hours
- There is someone available to cover their duties if they are unable to attend work
- They have an away message on their email if they are aware that they will not be able to attend work. This email should advise people of the staff member's intended return date and provide alternate contact information for someone in the company who has agreed to assist in the event of an urgent situation.
- Employees should consult with their colleagues in order to ensure that there is minimal disruption when they are absent



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## Appendix A:



### Personal/carer's leave, compassionate leave and family and domestic violence leave and the National Employment Standards

A Full Federal Court decision handed down on 21 August 2019 confirmed the method of accruing and taking paid personal/carer's leave under the National Employment Standards. The information in this fact sheet has been updated to reflect this decision. An appeal of this decision will be heard by the High Court. In the meantime, the decision made on 21 August 2019 is the current state of the law and applies to affected employers and employees. [Find out more about the decision.](#)

#### Overview

Personal/carer's leave, compassionate leave and family and domestic violence leave forms part of the National Employment Standards (NES). The NES apply to all employees covered by the national workplace relations system, regardless of any award, agreement or contract of employment.

The NES establish minimum entitlements for permanent employees to receive:

- paid personal/carer's leave
- unpaid carer's leave
- paid or unpaid compassionate leave
- unpaid family and domestic violence leave.

These forms of leave are designed to help an employee deal with personal illness, caring responsibilities, family emergencies, family and domestic violence, and the death or serious illness of close family members.

Casual employees are eligible for unpaid carer's leave, unpaid family and domestic violence leave, and unpaid compassionate leave.

#### Personal/carer's leave

##### What are the minimum entitlements to personal/carer's leave?

The term 'personal/carer's leave' effectively covers both sick leave and carer's leave. Employees get:

- 10 days each year for full-time employees
- 10 days each year for part-time employees.

An employee's entitlement to paid personal/carer's leave accrues progressively during a year of service, and accumulates from year to year.

Personal/carer's leave continues to accumulate when an employee takes a period of paid personal/carer's leave or paid annual leave. Personal/carer's leave will not accumulate on

unpaid leave unless it is community service leave or it is provided for in an award or agreement.

##### When can paid personal/carer's leave be taken?

An employee may take paid personal/carer's leave:

- if they are unfit for work because of their own personal illness or injury (including pregnancy-related illness), or
- to provide care or support to a member of their immediate family or household because of a personal illness, injury or unexpected emergency affecting the member. A member of the employee's immediate family means a:
  - spouse
  - de facto partner
  - child
  - parent
  - grandparent
  - grandchild
  - sibling of an employee;
  - a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner.

##### What payments are required when personal/carer's leave is taken?

When paid personal/carer's leave is taken, the minimum requirement is that an employee must be paid at their base rate of pay for the ordinary hours they would have worked during the period. An employee's 'base rate of pay' (other than a pieceworker) is the pay rate an employee would receive for their ordinary hours of work, but not including any of the following:

- incentive-based payments and bonuses
- loadings
- monetary allowances
- overtime or penalty rates
- any other separately identifiable amounts.

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## Can paid personal/carer's leave be cashed out?

Award or agreement covered employees can cash out paid personal/carer's leave if all of the following apply:

- the award or agreement allows the practice
- there is a separate agreement in writing on each occasion
- the employee retains a balance of at least 15 days of untaken paid personal/carer's leave
- the employee is paid at least the full amount that would have been payable had the employee taken the leave they have cashed out.

It is unlawful for an employer to force (or try to force) an employee to make (or not make) an agreement to cash out personal/carer's leave under a term included in an award or agreement.

An award/agreement-free employee is not able to cash out paid personal/carer's leave.

## Unpaid carer's leave

### What are the minimum entitlements to unpaid carer's leave?

An employee (including a casual employee) is entitled to two days of unpaid carer's leave for each occasion when a member of the employee's immediate family or household requires care or support because of a personal illness, injury, or an unexpected emergency.

An employee may take unpaid carer's leave for each occasion as a single continuous period of up to two days, or any separate periods to which the employee and his or her employer agree. An employee cannot take unpaid carer's leave during a particular period if the employee could instead take paid personal/carer's leave. (This does not apply to casuals who have no entitlement to paid personal/carer's leave).

## Compassionate leave

### What are the minimum entitlements to compassionate leave?

An employee (including a casual employee) is entitled to two days of compassionate leave to spend time with a member of their immediate family or household who has sustained a life-threatening illness or injury. Compassionate leave may also be taken after the death of a member of the employee's immediate family or household.

An employee 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 periods to which the employee and their employer agree.

## What payments are required when compassionate leave is taken?

If an employee (other than a casual employee) takes a period of compassionate leave, the employer must pay the employee at the employee's base rate of pay for the ordinary hours they would have worked during the period.

As mentioned above, casual employees are not entitled to any paid personal/carer's leave or compassionate leave. However, casuals are entitled to unpaid carer's leave or compassionate leave.

## Family and domestic violence leave

### What are the minimum entitlements to family and domestic violence leave?

An employee (including a casual employee) is entitled to five days of unpaid family and domestic violence leave each year. Employees are entitled to the full five days from the day they start work. They don't have to build it up over time.

The five days renews each 12 months but doesn't accumulate from year to year if it isn't used.

Employees can take the leave 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.

For example, this could include:

- making arrangements for their safety, or safety of a family member (including relocation)
- attending court hearings, or
- accessing police services.

The leave doesn't need to be taken all at once and can be taken as single or multiple days.

An employer and employee can also agree for an employee to take less than one day at a time, or for the employee to take more than five days.

## Are there notice and evidence requirements?

For all periods of personal/carer's leave or compassionate leave, an employee must give his or her employer notice of the taking of such leave.

The notice must be given to the employer as soon as practicable (which may be a time after the leave has started), and must advise the employer of the period, or expected period, of the leave.

An employer is entitled to request evidence that would substantiate the reason for leave. A failure to either provide

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notice or, if required, evidence that would satisfy a reasonable person to substantiate the reasons for the leave, means the employee is not entitled to the leave.

An award or agreement may include terms relating to the kind of evidence that an employee must provide in order to be entitled to paid personal/carer's leave, unpaid carer's leave or compassionate leave. For example, an employer may request that the employee provides a medical certificate.

## Notice and evidence requirements for family and domestic violence leave

An employer can ask their employee for evidence that shows the employee took the leave to deal with family and domestic violence. If the employee doesn't provide the requested evidence, they may not get family and domestic violence leave.

The evidence has to convince a reasonable person that the employee took the leave to deal with the impact of family and domestic violence.

### Types of evidence

Types of evidence can include:

- documents issued by the police service
- documents issued by a court
- family violence support service documents, or
- a statutory declaration.

Employers can ask employees to provide evidence for as little as one day or less off work.

### Confidentiality

Employers have to take reasonably practicable steps to keep any information about an employee's situation confidential, when they receive it as part of an application for leave. This includes information about the employee giving notice that they're taking the leave and any evidence they provide.

Employers are not prevented from disclosing information if:

- it's required by law, or
- is necessary to protect the life, health or safety of the employee or another person.

Employers need to be aware that any information about an employee's experience of family and domestic violence is sensitive. If information is mishandled, it could have adverse consequences for their employee. Employers should work with their employee to discuss and agree on how this information will be handled.

### Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: **13 13 94**

#### Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

### Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: **13 36 77**. Ask for the Fair Work Infoline **13 13 94**

Speak & Listen: **1300 555 727**. Ask for the Fair Work Infoline **13 13 94**

The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this fact sheet is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

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