

**EMERGENCY SERVICES LEAVE**

**5.5.67**

Policy No. and Title	5.5	Conditions of Employment Policy
Procedure	5.5.67	Emergency Services Leave
Version	1	
Date Adopted	9 January 2013	

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**1 OBJECTIVE**

As a commitment to the local community, leave may granted (with or without pay) to any employee (excluding casuals) who is called upon as a member of either a State Emergency Service, NSW Rural Fire Service, search and rescue unit or other similar volunteer service, in the event of a civil emergency or disaster.

**2 GUIDELINES**

- a) For the purpose of this procedure, emergency situations will be those situations where a callout of emergency service agencies has been initiated by the NSW State Emergency Service, NSW Fire Brigades (including Rural Fire Services) or the NSW Police Force.
- b) Employees wishing to participate in these services should advise their Director and Human Resources, in writing, that they are a member of and registered as a volunteer worker with a recognised emergency service organisation or other volunteer service performing similar functions.
- c) Retained fire fighters within the NSW Fire Brigade will not receive special leave under this procedure as they receive payment for their service. However they will be able to use other forms of leave to cover their absence from the workplace.
- d) The Manager may approve Emergency Services Leave in the following circumstances:
  - i) The employee is a member of an emergency service organisation or other volunteer service performing similar functions;
  - ii) There has been an official request for the employee to assist in the emergency/disaster;
  - iii) The employee ensures that the Council is informed as early as possible of the reason for the absence and its likely length; and
  - iv) The Manager, after consultation with the relevant Director, can reasonably release the staff member from duty to assist in responding to the emergency/disaster without impacting unfavourably on Council operations.
- e) Any fees that an employee receives for emergency service should be paid to the Council. However, if the staff member takes personal annual or long service leave while on emergency service leave the fee may be retained. If the staff member is on a period of approved leave, a rostered day off or the emergency occurs on a public holiday the time will not be reinstated for that particular period of approved emergency leave.

- f) The pay rate for payment of special leave under this Procedure will be the normal weekly rate, excluding overtime, penalty rates or any other allowances. All leave paid under this Procedure will only apply to an employee's normal working day/s (or part thereof) spent away from Council on volunteer work. An employee shall not be entitled to paid special leave when the day/s (or part thereof) away does not impact on a normal working day.
- g) Leave of absence granted under this Procedure counts for service for all purposes and the periods of release from Council's services will not normally exceed, in total, five working days in each anniversary year. In exceptional circumstances the General Manager or their delegate may approve additional leave.
- h) Where the emergency/disaster is likely to require attendance for more than five days, the Director will consider the benefit to the local community and determine whether Council will provide paid or unpaid leave, and for what period after the initial five days.
- i) In such cases, the employee should contact Human Resources as soon as practicable to ascertain whether paid or unpaid leave will be approved.
- j) Where paid leave is not approved, the staff member may apply for Annual Leave or Long Service Leave or to take a period of Leave Without Pay.
- k) An employee on Sick Leave or with an active workers' compensation claim or who are otherwise declared fit for selective/ suitable/ light duties will not be eligible for Emergency Services Leave.
- l) Council may choose not to grant leave if an employee's absence will cause operational difficulties, hardship in the workplace, or jeopardise the safety and security of Council operations, other employees or the public.
- m) These conditions do not apply to attendance at bushfires or other emergency situations which endanger Council property. In such cases, where the Director considers that it is in the interests of Council for employees to participate in the emergency, those employees who agree to do so are regarded as acting in the course of their duties.

### **3 PROCEDURE**

- a) To apply for Emergency Services Leave where the following criteria must be met:
  - i) There is a recognised emergency situation such as fire, flood etc.;
  - ii) The emergency is within the Kempsey Shire Local Government Area (LGA) or the LGA in which the employee resides;
  - iii) The employee is a volunteer member of the RFS or the SES and their assistance has been requested from the relevant Emergency Service;
  - iv) The relevant Manager has approved the special leave before ceasing work; and
  - v) The employee reports immediately to the Manager on resumption of duty and provides proof of attendance at an emergency for the period of leave requested in accordance with clauses c), f) and g).

- b) Council recognises the employee's need to respond quickly in the event of an emergency or disaster. Accordingly, Council does not require, initially, any information at this time other than advice to the employee's Manager or their Director (in the absence of their Manager), that the employee is leaving to attend an emergency/disaster.
- c) An employee shall, where practicable, give Council prior notice of the intention to take Emergency Services leave and have this leave approved. If this is not practicable, the employee is required to notify their supervisor or Manager by telephone of their absence at the first opportunity on the day of the absence. Leave will be granted at the discretion of the Director if there is any uncertainty.
- d) An employee may also apply for Emergency Services leave on the day immediately following an emergency, where attendance at an emergency impacts on their ability to report for duty, or where reporting for duty may impact on the employees ability to fulfill their obligation under the WHS Act.
- e) If there is any uncertainty regarding the employees ability to report for duty or their fitness to work on the day immediately following an emergency, leave will be granted at the discretion of the Manager.
- f) All applications for Emergency Services Leave must be made as soon as possible following the staff members return to work on the Application for Leave Form (HRM015).
- g) Proof of attendance at emergency duty for the period of leave requested is to be attached to the application for leave. Where the leave is requested for the day immediately following an emergency, the same leave application and proof of attendance shall apply.
- h) A notation will be made on the respective employee's timesheet to reflect the period of absence as Emergency Services leave.
- i) All emergency services leave applications must be submitted to the relevant Director for approval and forwarded to Human Resources with supporting official documentation for processing.

#### **4 RETURNING TO WORK**

- a) Council under the WHS Act has an obligation to protect employees at Work. Council needs to be satisfied that an employee returning from a civil emergency is fit for work. In order for Council to facilitate its obligation under the Act, An employee who has taken leave for a civil emergency may be required to provide proof of fitness to return to work before resuming normal duties.
- b) The employee is to report immediately to their Manager on resumption of duty.

#### **VARIATION**

Council reserves the right to review, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.