


Procedure Name:	Community Service Leave	Date:	16 Sept 2010	
Procedure Number:	DES PE 001-10	Version:	3.0	
Business Unit:	Human resources	Contact:	E McLachlan	

# Community Service Leave

## 1. Purpose

This procedure sets out the types of activity for which Community Service Leave with or without pay is available. This procedure summarises the provisions of the National Employment Standards (the NES), and outlines those areas in which Delta presently makes provision for Community Service Leave which exceeds the NES.

The NES is contained in the *Fair Work Act 2009* and establishes the minimum entitlements of employees in a number of areas, including for particular types of Community Service Leave.

Additional benefits may be provided in this procedure.

## 2. Scope


This procedure applies to all employees within Delta Electricity.

## 3. Definitions

The following definitions are associated with the Community Service Leave provisions of the NES:

- Eligible community service activity:** is to attend jury service, to participate in a voluntary emergency management activity or to engage in any other activity that may be prescribed by regulations.
- Voluntary emergency management activity:** is when an employee (usually on request) engages in an activity which involves dealing with an emergency or natural disaster on a voluntary basis (whether or not they receive an honorarium or gratuity) and the employee is a member (or has member-like association) of a recognised emergency management body.
- Recognised emergency management body:** is a body, or part of a body:
- whose role is coping with emergencies/disasters, or
  - is a fire-fighting, civil defence or rescue body, or
  - is another body involved in:
    - securing safety of persons or animals in an emergency or natural disaster, or
    - protecting property in an emergency or natural disaster, or
    - otherwise responds to an emergency or natural disaster.

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## 4. Procedure

### 4.1. NES Entitlements

Under the NES, employees are entitled to be absent from work to engage in an eligible community service activity, presently only being for jury service or a voluntary emergency management activity, provided such absence is reasonable in all the circumstances.

The absence permitted under the NES covers the time involved in the activity itself, reasonable travelling time associated with the activity and reasonable rest time immediately following the activity.

Employees are required to provide:

notice to Delta as soon as practicable (which may be after the leave has commenced) and notice of the expected duration of the absence; and

satisfactory evidence that the absence has been or is because of their involvement in the eligible community service activity.

#### ***Jury Service***

The NES **only** provides for payment for Jury Service for the first 10 days of jury service at the employee's base rate of pay for their ordinary hours of work.

Employees must take all necessary steps to obtain jury service pay for which they are entitled. Where an employee is provided with such payment, Delta is only required to make up the difference in pay to their base rate of pay.

These obligations under the NES do not apply to casual employees.

#### ***Voluntary emergency management activity***


Otherwise there is **no** provision for payment under the NES for an employee's absence for voluntary emergency management activities or other prescribed activity.

### 4.2. Additional Provisions for Voluntary Emergency Management Activities above the NES

Subject to the notice and evidence requirements, Delta provides paid leave for employees to attend to an emergency and who are registered volunteer members of the following emergency services:

- (a) NSW Volunteer Fire Brigade
- (b) Rural Fire Service
- (c) State Emergency Services
- (d) Volunteer Rescue Association of NSW

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Such payment also covers attendance at compulsory training to start and maintain membership as an emergency volunteer. Attendance at other courses relating to membership is without pay.

Applications for such leave, including training, must include a written statement from an appropriate officer of the volunteer organisation or the Police Service of NSW certifying the time and location of the attendance.

If attendance is otherwise during a period of Annual or Long Service Leave, employees may apply to have that leave re-credited.

Payment for up to two days can be authorised by Managers/Team Leaders as set out in the Authorities Listing for each location. Executive Managers may authorise paid absences of longer than two days.

## 4.3. Other Community Service Activities

### 4.3.1. Competitive Sporting Functions

Leave without pay is available for irregular involvement in sport at International, National or Inter-State levels. Leave will be granted for actual days of competition and reasonable travelling time only. Leave will not be granted for sporting trials or acclimatisation.

Leave with pay may be granted by an Executive Manager for an employee's involvement as a competitor or official in a major sporting event.

An employee wishing to compete or act as an official must provide written proof of their selection from the governing body of the sport.

### 4.3.2. Court Attendance

Employees required to attend court as a witness for the Crown or Police will be granted leave with pay only if they refund any fees associated with such attendance, or they provide a statement from the appropriate authority that fees have not been paid.


Employees required to attend court for private matters may choose to access their Annual Leave or leave without pay.

### 4.3.3. Part-time Military Service

Employees who are volunteers in the part-time Reserve Force activities of the Australian Army, Navy or Air Force are entitled to leave with pay.

The following periods of leave are available:

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Reserve	Reason for Leave	Maximum per Financial Year
Navy	• Annual training	• 13 calendar days
	• Class/school or course	• 13 calendar days
Army	• Annual training	• 14 calendar days
	• Class/school or course	• 14 calendar days
Air Force	• Annual training	• 16 calendar days
	• Class/school or course	• 16 calendar days

The above periods are calendar days i.e. regardless of public holidays, days off, roster days or weekends.

An additional four calendar days may be granted if the employee's Commanding Officer certifies in writing the necessity for the employee to attend further compulsory training, class/school or course.

All payments made are at single time (except for employees in receipt of Total Salary Package arrangements).

An official reserve Forces Notification and Certificate of Attendance must be attached to the application for leave. If the certificates are not attached, the approval of leave with pay will be cancelled and treated as leave without pay.


If an employee is unable to return to work immediately following Part-time Military Service because they suffered an injury or contracted an illness during the period:

- (a) if compensation is not paid to the employee by the Commonwealth, they may be paid as if they had been at work with Delta; or
- (b) if compensation is paid by the Commonwealth equal to or greater than the amount the employee would have received had they been granted sick leave from Delta, then the period they are absent will be granted as leave without pay; or
- (c) if compensation is paid by the Commonwealth less than the amount the employee would have received had they been granted sick leave from Delta, then the difference will be paid by utilising sick leave as "make-up pay".

#### 4.3.4. Donating Blood

Leave with pay for reasonable time lost up to a maximum of half a day (including reasonable travel time) is available for the purpose of donating blood to the Red Cross Blood Bank. Where possible, appointments should be made after 2.00 pm. Where blood is donated "on site", time lost as is necessary to donate blood and an appropriate recuperative period as suggested by the Red Cross Blood Bank.

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#### 4.3.5. Bone Marrow Donors

Employees who are listed in the Australian Bone Marrow Donor register and who are called on to donate may be granted up to five days leave with pay. A medical certificate from a registered medical practitioner covering the absence is necessary.

#### 4.3.6. Duties as a Councillor

Leave may be granted for an employee to attend duties as a Councillor providing their absence does not exceed 2 ½ days in any period of 12 months.

## 5. References

*Delta Electricity Employees Enterprise Agreement 2009* (or any replacement thereof)  
National Employment Standards (*Fair Work Act 2009* (Cth))

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