

LEAVE RESIGNATION AND REDUNDANCY POLICY

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Drafted by	Head Office	Approved by board on	August 2022
Responsible person	CEO	Review	As required

PURPOSE

The NSW Greyhound Breeders, Owners and Trainers Association (NSW GBOTA) is committed to balancing the needs of its employees with those of NSW GBOTA.

The purpose of this policy is to outline NSW GBOTA's policy and related processes for applying for, and taking, leave, as well as resignation, retirement or redundancy.

From time to time employees may be required to work longer hours to accommodate a pressing work issue, attend meetings or represent the organisation outside of their usual working hours. Time off in lieu of paid overtime will be offered as an option to employees who are required to work hours beyond their normal contractually agreed weekly hours. This arrangement is designed to ensure that an employee is not working excessive hours and to ensure work/life balance. It is not expected that time in lieu will be a standard or regular occurrence.

Further it sets out the NSW Greyhound Breeders, Owners and Trainers Association's (NSW GBOTA's) approach to the implementation of redundancies within the business.

Finally, this policy sets out NSW GBOTA's employees' entitlements where their employment ends by reason of their resignation or retirement from NSW GBOTA and the processes to be followed by the NSW GBOTA and employees who are ending their employment by reason of resignation or retirement.

SCOPE

This policy applies to all employees of NSW GBOTA.

This policy reflects, but does not override, long service leave entitlements that employees of NSW GBOTA may have under any industrial instrument, contract, or legislation, as amended from time to time.

POLICY

Compassionate leave

- An employee is entitled to two days paid compassionate leave for each occasion when a member of the employee's family, or a member of the employee's household:
 - contracts or develops a personal illness that poses a serious threat to his or her life; or
 - sustains a personal injury that poses a serious threat to his or her life; or
 - dies.

An employee may take compassionate leave for any one of the reasons set out above if the leave is taken to spend time with the member of the employee's immediate family or household who has contracted or developed the personal illness or sustained the personal injury, or after the death of the member of the employee's immediate family or household.

An employee may also be entitled to unpaid carer's leave in accordance with the *Fair Work Act 2009*, or other entitlement in an employee's contract of employment.

Long Service Leave

Full-time employees will accrue long service leave entitlements in accordance with a contractual entitlement, or an applicable industrial instrument or legislation.

Part-time employees will accrue long service leave entitlements in accordance with a contractual entitlement, or an applicable industrial instrument or legislation, on a pro rata basis, according to the number of hours worked.

Casual employees may accrue entitlements to long service leave if they meet the necessary requirements under an applicable industrial instrument or legislation, or if their contract provides for these entitlements. If an employee with an accrued entitlement to long service leave wishes to take some or all of that leave during their employment with NSW GBOTA, they may apply to do so in accordance with this policy. The NSW GBOTA will pay an employee in respect of their accrued and untaken long service leave entitlement on termination of their employment.

Personal and or Carers Leave

Full-time employees accrue paid personal/carer's leave at a rate of a minimum amount of leave under the National Employment Standards being 10 days per year of service days per year of service.

Part-time employees are entitled to a pro-rata amount of paid personal/carer's leave depending on their ordinary hours of work. If an individual's contract of employment provides a more generous entitlement to leave than under this policy, the more generous entitlement will apply.

Employees' entitlement to paid personal/carer's leave accrues progressively during a year of service according to the employee's ordinary hours of work and accumulates from year to year.

Paid personal/carer's leave may be taken:

- because an employee is not fit for work because of a personal illness, or personal injury, affecting the employee; or
- to provide care or support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because of:
 - a personal illness, or personal injury, affecting the member; or
 - an unexpected emergency affecting the member.

If the period during which an employee takes personal/carer's leave includes a day or part-day that is a public holiday in the place where the employee is based for work purposes, the employee is taken not to be on paid personal/carer's leave on that public holiday.

Employees are not entitled to personal leave for any period of time in respect of which they are entitled to workers' compensation payments.

Accrued but untaken personal/carer's leave will not be paid to employees upon termination of employment.

WHERE AN EMPLOYEE IS OR EXPECTS TO BE ABSENT FROM WORK DUE TO ILLNESS FOR AN EXTENDED PERIOD OF TIME, ARRANGEMENTS MAY BE MADE FOR THE EMPLOYEE TO TAKE ADDITIONAL UNPAID LEAVE.

Redundancy

The NSW GBOTA may from time to time determine the requirement for an internal restructure (based on genuine business grounds) which may include certain positions becoming redundant.

The NSW GBOTA must notify and discuss any organisational changes as required by any applicable industrial instrument or legislation.

Where a position is identified by the NSW GBOTA as being surplus to business needs, the NSW GBOTA will attempt to find the employee whose position is redundant an alternative position with the business. Suitable positions will be identified with reference to the skills and experience of the employees whose positions are being considered for redundancy. Employees will be given the opportunity and adequate time to consider the alternatives and to respond accordingly.

Where redeployment is not possible, an employee whose position is made redundant will receive the appropriate severance pay and other entitlements in accordance with the *Fair Work Act 2009* (Cth), an industrial instrument or a contract of employment, whichever is applicable.

Redundancies may also arise as a result of a transfer of business. Where this occurs, an employee who accepts an offer that recognises their service for redundancy purposes or rejects an offer of employment with a new employer that is on terms and conditions substantially similar to and, considered on an overall basis, no less favourable than, the employee's terms and conditions of employment with NSW GBOTA, and where the new employer recognises the employee's service with NSW GBOTA, will not be entitled to redundancy pay.

Resignation or Retirement

When an employee resigns or retires from their employment with the NSW GBOTA, the employee is entitled to be paid in respect of the accrued but unused annual leave and long service leave entitlements.

Personal/carer's leave and compassionate leave cannot be cashed out on termination of employment.

Feedback from employees leaving the NSW GBOTA can provide valuable information on their perception of NSW GBOTA and the way it is managed. Employees who are resigning or retiring from their employment will therefore be invited to attend an exit interview.

The NSW GBOTA will, in most cases, provide references for employees and ex-employees where this is their wish. However, there is no obligation on the organisation to do so.

Time in Lieu

Time in lieu can be accrued and taken only with the prior approval of the CEO or by their properly delegated authority.

If individuals choose to stay late to complete work without prior approval, then they will not be eligible to make a request for time in lieu and will need to discuss the matter with their immediate manager.

The CEO and the various supervisors shall ensure that the use of time in lieu is not excessive and does not expose the organisation to staff shortages.

Unpaid Leave

Generally, unpaid leave will only be considered by NSW GBOTA where an employee's circumstances are exceptional.

Where available, an employee's accrued leave (such as annual leave, personal leave – if appropriate, and long service leave) will be utilised before unpaid leave will be considered.

Where an employee takes unpaid leave, other leave entitlements will cease to accrue for the period of that unpaid leave.

RESPONSIBILITIES

The **Board** is responsible for:

- ensuring that any decision made in relation to the retrenchment of employees is based on sound and objective operational criteria and that the positions selected for redundancy are the most appropriate; and
- providing authorisation for any redundancies.
- Note monthly resignations and retirements, taking in exit interview feedback where relevant

The **CEO** is responsible for:

- ensuring that any decision made in relation to the retrenchment of employees is based on sound and objective operational criteria and that the positions selected for redundancy are the most appropriate; and
- providing final authorisation for any redundancies.
- The CEO and the management team shall be responsible for authorising all instances of time in lieu.

The **Finance Department** is responsible for ensuring that:

- leave records for each employee are established and recorded;
- unpaid leave procedures are observed across the organisation; and
- applications for unpaid leave are processed as soon as possible.
- all avenues for employee redeployment are exhausted prior to seeking approval for redundancies from the CEO or for arranging for the issue of any final termination advice; and
- the authorised termination advice is issued to payroll for timely processing.
- all instances of redundancy follow the appropriate process, including open communication with the employees concerned;
- all documentation relating to employee entitlements upon termination of employment for redundancy is completed and issued to payroll for timely processing.
- leave records for each employee are established and recorded;
- unpaid leave procedures are observed across the organisation; and
- applications for unpaid leave are processed as soon as possible.
- the process for taking personal/carer's leave or compassionate leave below are observed across the organisation.

- retiring employees receive a letter recognising their contribution NSW GBOTA;
- appropriate documentation is provided and payments are made to employees who have resigned or retired from their employment;
- all cases of resignation are reviewed to ensure all beneficial learning is achieved and appropriate action is taken as a result of the learning;
- where appropriate, resignations are accompanied by an exit interview;
- all paperwork and documentation is completed to ensure employees receive their correct entitlements upon their employment ending.
- ensuring that long service leave procedures are observed across the organisation; and
- ensuring all applications for long service leave are processed correctly.

Managers are responsible for:

- adhering to this policy when approving applications for leave without pay; and
- discussing all applications for unpaid leave with the employee and CEO
- all alternatives to redundancy, including redeployment, are fully explored within in their own departments and within NSW GBOTA generally;
- communication regarding the redundancy is delivered in an appropriate, confidential and sensitive manner; and
- all company property is accounted for at the time of termination of employment.
- The CEO and the management team shall be responsible for authorising all instances of time in lieu.
- adhering to this policy when approving applications for leave without pay; and
- discussing all applications for unpaid leave with the employee and CEO
- where appropriate, employees submit documentation to support the taking of leave.
- longstanding employees are recognised for their contribution to NSW GBOTA; and
- all property of the NSW GBOTA in the resigning or retiring employee's possession is returned to the NSW GBOTA
- adhering to the provisions of the relevant contract, industrial instrument or legislation in relation to long service leave; and
- ensuring all applications for long service leave are forwarded to Finance Department.

Employees are responsible for:

- notifying their immediate supervisor of any absences or expected absences in accordance with this policy; and
- where relevant, providing the necessary documentation as evidence of the reason for the absence.
- adhering to the provisions of this policy when making an application for unpaid leave; and
- initiating leave applications by completing and submitting the appropriate leave documentation.
- full consideration is given to any options or alternatives that are provided to them; and
- normal work is continued during the process of communication and notice period if applicable.
- provide the required amount of notice of termination of employment (which may be in their contract) when resigning or retiring;
- return all property of NSW GBOTA.
- discussing the taking of long service leave with their supervisor/manager; and
- initiating applications for long service leave by completing the appropriate documentation and submitting them to the appropriate supervisor/manager for forwarding to the Finance Department.

PROCESSES

Leave

Employees must submit applications for leave without pay to the appropriate manager for review. Applications for unpaid leave should be made as soon as the employee knows that they intend to take leave. Upon receiving an application for unpaid leave, the employee's manager should consider all of the circumstances surrounding the request and make a decision in consultation with the CEO. Prior to granting unpaid leave which extends beyond one week, managers must obtain the approval of the CEO.

The conditions under which an employee is granted unpaid leave are to be documented by the Finance Department in the required form. A copy of this memo is to be provided to the employee and filed in their personnel file.

Time off in lieu will be at a ratio of one hour worked to one-hour time in lieu, except for public holidays and Sundays, where time in lieu will be granted on a time-and-a-half rate.

Time off in lieu should be calculated in 15-minute intervals and can be claimed where the additional time worked exceeds 30 minutes.

Time in lieu of more than four days may not be accrued by any one employee. No more than one day a month can be taken as time in lieu, normally in half-day blocks. Time in lieu leave must be taken at a time approved by the employee's manager.

Staff must fill out a 'Time in Lieu Accrued and Taken Form' and lodge it with their supervisor. Time in lieu can only be accrued and taken in accordance with this policy.

Time in lieu should be redeemed as soon as possible after it has been accrued.

Personal/carer's leave may be taken as either full days or part days.

Compassionate leave may be taken for a permissible occasion as one single continuous two-day period, two separate periods of one day each, or any separate periods to which the employer and the employee agree.

Employees must notify their supervisor as soon as practicable with regards to the taking of any paid personal/carer's leave. If possible, employees should notify their manager prior to their rostered or normal time for beginning work. Employees must also advise:

the reason for taking the leave; and
the period, or expected period, of the leave.

Where an employee's immediate supervisor/manager is not contactable, employees must try to leave a message with another supervisor/manager of comparable seniority, who will then be responsible for notifying the appropriate supervisor/manager of an employee's absence as soon as possible.

If neither the immediate supervisor/manager nor an alternative supervisor/manager is available at the time of notification, a message may be left with another appropriate member of the employer's staff.

Employees seeking to take paid personal/carer's leave may be requested to provide to the relevant supervisor/manager evidence that the employee has, or is seeking to, take the leave for a permissible reason. Generally, the following circumstances will require the employee to provide a valid medical certificate or other satisfactory evidence if the employee wishes to take paid personal/carer's leave:

- absences in excess of one day; or
- absences in excess of four single days per anniversary year; or
- absences of one day or more either side of a public holiday, weekend or normal rostered day(s) off.

The relevant supervisor/manager may also request that employees provide satisfactory evidence of the reason for taking personal/carer's leave or compassionate leave in some circumstances.

A 'valid medical certificate' is deemed to be a certificate signed by a registered medical practitioner. Medical certificates must be signed and dated and must state the period of the absence and the reason for the absence. Certificates that have been post-dated may not be accepted in some circumstances.

Upon notification of an employee taking personal/carer's leave (and, where relevant, on receipt of valid evidence for the reason for taking the leave), supervisors/managers must inform Payroll of the leave being taken.

If a supervisor/manager is unsure as to the validity of any relevant documentation, they should contact the Finance Department for advice.

Long Service Leave

Employees must

- provide a reasonable amount of notice to their supervisor/manager before the intended commencement of long service leave; and
- take their leave at a time convenient to the organisation, taking account of its operational requirements and reasonable business needs.

Upon approving an application for long service leave, the employee's manager must forward the application to the Finance Department for processing.

If the employee decides to cancel their application to take leave prior to the commencement of the leave, they must notify their manager and the Finance Department.

Subject to any other entitlement under an industrial instrument, legislation or contract, employees will receive their current ordinary rate of pay while on long service leave.

Redundancy

If required to do so under an industrial instrument, the NSW GBOTA will consult with employees where redundancies are being considered.

Where the NSW GBOTA identifies a potentially suitable alternative position in the business, the NSW GBOTA will consult with the affected employee about the position.

Affected employees may also identify vacant positions within the business and may propose those to the CEO as possible options for redeployment.

If an employee's employment is terminated for redundancy, the NSW GBOTA will provide the employee with a statement of service and payment of all accrued but unused entitlements, including notice and (if applicable), redundancy pay.

The CEO may conduct exit interviews with employees whose employment ends by reason of redundancy.

In some cases, the NSW GBOTA may engage external out-placement/career consultants to provide counselling to affected employees.

Resignation or retirement

Notice: An employee wishing to resign or retire must provide notice of their intention to resign or retire in writing to their supervisor/manager. The letter must state the proposed date of resignation or retirement. The employee must give notice in accordance with their contract of employment or an applicable industrial instrument.

The appropriate supervisor/manager will forward the letter of resignation or retirement to the Finance Department for processing and inclusion in the individual's personal file.

A member of the Finance Department will prepare a letter to be signed by the CEO recognising the employee's contribution to NSW GBOTA and accepting the employee's resignation or retirement. This will be forwarded to the supervisor/manager to be presented to the employee.

In the event that an employee wishes to withdraw their resignation or retirement, NSW GBOTA is under no obligation to accept the withdrawal.

An employee may not withdraw their resignation or retirement after the expiry of the notice period.

The relevant supervisor/manager may decide to relax the period of notice required from the employee, in consultation with the CEO. In addition, NSW GBOTA has discretion to request that an employee not work the applicable notice period. In this case, the employee will not be required to attend work and the employee will be paid in lieu of notice.

Payments on termination of employment: The Finance Department will arrange for payroll to make a final payment to the employee at the completion of the notice period. The final payment will be made on termination of employment.

The Finance Department will arrange for payroll to prepare a final payment to the employee at completion of the notice period.

IN CASES WHERE NSW GBOTA DECIDES THAT THE APPLICABLE NOTICE PERIOD IS NOT TO BE WORKED OUT, PAYMENT IN LIEU OF NOTICE IS TO BE MADE. THE PAYMENT MUST BE IN ACCORDANCE WITH LEGISLATIVE AND/OR REQUIREMENTS UNDER ANY INDUSTRIAL INSTRUMENT.

WHERE AN EMPLOYEE REQUESTS EARLY RELEASE FROM THE NOTICE PERIOD AND IT IS AGREED BY THE MANAGER, PAYMENT IS MADE ONLY FOR THE TIME WORKED.

Exit interviews: will be conducted by the CEO and the employee's supervisor/manager in accordance with organisational practice.

Any information obtained from an employee who is resigning or retiring from their employment during an exit interview will be recorded in writing.

References: will be provided only to appropriate parties. Before providing a reference, the staff member/volunteer should verify the identity of the person requesting the reference. If in doubt about the identity of the person requesting the reference, the staff member should ask for the request in writing. The staff member should not give out any information to parties who do not have a legitimate "need to know".

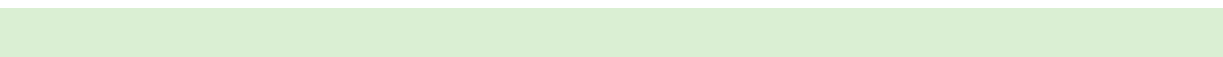
Written references shall be clearly marked 'Private and Confidential' on an opaque cover page and shall be sent to an appropriate individual in the organisation seeking the reference.

In considering whether to give a reference, and in determining the content of any such reference, referees must not discriminate on any grounds covered in NSW GBOTA's Discrimination Policy.

When providing references, referees shall

- take reasonable care;
- provide information which is as far as possible true, accurate and fair, and which does not give a misleading impression;
- provide only honest opinions;
- express opinions as opinions rather than statements of fact; and
- limit the information given to the employee's job-related performance.

A staff member can act as a personal referee for any individual. However, such references must be made on the staff member's own notepaper and must say that the reference is being made in a personal capacity. On no account should a personal reference be written on the NSW GBOTA's letterhead or in any way suggest that the NSW GBOTA endorses the reference.



DEFINITIONS

'**Immediate family**' means an employee's:

- spouse, de facto partner, child, parent, grandparent, grandchild or sibling; or
- a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner.

LEGISLATION & AWARDS

- *Fair Work Act 2009*
- *Fair Work Regulation 2009*
- *Racing & Events Award 2010*
- *Racing Industry Ground Maintenance Award 2010*

AUTHORISATION

Directors NSW Greyhound Breeders, Owners and Trainers Association