



AFP National Guideline on leave management

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1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

AFP	Australian Federal Police
CA	Australian Federal Police Collective Agreement 2007-2011
HR	Human Resources
NAIDOC	National Aborigines and Islanders Day Observance Committee

3. Definitions

AFP appointee – has the same meaning as in s. 4 of the [Australian Federal Police Act 1979](#) (Cth).

Australian Workplace Agreement – has the same meaning as in the [Fair Work \(Transitional Provisions and Consequential Amendments\) Act 2009](#) (Cth).

Commissioner – means the Commissioner of Police referred to in s. 6 of the *Australian Federal Police Act 1979* (Cth).

Delegate – means an AFP appointee who can exercise their delegated authority as detailed and contained within [CA Determination No 1 of 2007](#), or other instrument to which this guideline refers.

Employee – means a person engaged under s. 24 of the *Australian Federal Police Act 1979* (Cth).

Part-time employee – has the same meaning as in Clause 10 (xxxii) of the AFP Collective Agreement 2007-2011.

Support – has the same meaning as in Clause 10 (xlili) of the AFP Collective Agreement 2007-2011.

Counts as service – a period of leave counts as service when it is included in leave accrual calculations for future leave credits.

4. Authority to create the guideline

This guide was issued by the Manager People Strategies using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

5. Introduction

The purpose of this guideline is to provide further policy effect to the utilisation and granting of leave for the parties bound by the [AFP Collective Agreement 2007-2011](#) (CA) and by Australian Workplace Agreements/employment contracts. Each section should be read in conjunction with the relevant provision of the CA or Australian Workplace Agreement/employment contract and, where available, the accompanying practical guide.

This guideline covers the following forms of leave:

- standard recreation leave
- purchased recreation leave
- mandatory rest day
- personal leave
- maternity leave
- parental leave
- adoption leave
- long service leave
- compassionate leave
- miscellaneous leave
- Defence Reserve Service leave
- study leave
- public holidays and Christmas stand-down
- flex leave

6. Leave provisions

6.1 Continuation of base salary and composites for leave purposes

Authorised paid leave, provided for in the CA, will include the relevant composite allowance (excluding miscellaneous leave with pay greater than 7 days unless otherwise approved and long service leave).

6.2 Casual employment

Where an employee is engaged on a casual basis to do work that is intermittent or irregular in nature, they will receive a 20% loading in lieu of accrual of all forms of leave. An employee engaged on a casual basis cannot purchase leave and is not entitled to payment for any leave type. The [Australian Fair Pay and Conditions Standard](#) allows for casual employees to access 2 days unpaid carer's leave per eligible occasion.

6.3 Part-time employees

All benefits will be appropriately prorated, based on an employee's agreed part-time working arrangement, with the exception of mandatory rest days which are credited as 1 mandatory rest day per quarter.

6.4 Restrictions while on leave

An employee cannot be directed to perform any duty during a period of approved leave. An employee can not be required, directed, placed on call or recalled to duty during a period of leave.

However, it is possible for an employee to be recalled to duty to attend to situations for which they did not have prior notice. For example, a member may be recalled to attend court. In this case, the approval for leave will be revoked.

Where the employee agrees to the cancellation of leave and returns to work, the period of leave that has not been taken will be re-credited. Requests for the re-crediting of leave must be in writing and approved by a team leader, prior to forwarding to the [Pay Team](#) for processing.

6.5 Undertaking secondary employment while on leave

An employee may participate in alternative secondary employment while on approved leave, apart from sick leave, from the AFP only with the express written permission of the relevant Approver as defined in the [AFP National guideline on secondary employment](#).

Further information can be obtained from the AFP National guideline on secondary employment.

6.6 Insight!

Insight! is a secure web-based interface accessed through the AFPHUB. *Insight!* enables employees to submit electronic leave applications for most types of leave.

Insight! also provides an individual employee's leave history, leave credits and an enquiry and update function for personal details. Through *Insight!*, employees can view and change their personal details such as address, phone number and emergency contacts.

Insight! can be accessed through the AFPHUB and has a 'Help' function to guide users through each module.

6.7 Requesting leave

Leave requests must be approved prior to an employee commencing a period of leave, with the exception of unplanned leave. All periods of unplanned leave will be applied for at the earliest possible opportunity.

Employees must ensure that they have both sufficient accrued leave to cover any type of absence and that leave is accurately entered into *Insight!*. Where there is insufficient paid leave to cover the anticipated period of absence; approval for leave without pay will need to be sought.

Where an employee is absent on unplanned leave for an extended period of time (greater than 3 days) a team leader must submit the leave request directly through the [Pay Team](#) to minimise any overpayment. Where there is insufficient accrued leave to cover the absence, the team leader may approve personal leave without pay or where the expected absence is greater than 12 months; seek approval for miscellaneous leave without pay.

Where AFPNET systems can be accessed, leave applications for all forms of leave (with the exception of long service leave, maternity leave, paternity leave and miscellaneous leave without pay) must be submitted electronically in *Insight!* via the 'Employee' or 'Manager Self Service' modules. Where it is not possible for an employee to use *Insight!* an application must be submitted, in writing, to the delegate or approver.

Employees must submit applications for long service leave on an **Application for Leave** form.

Applications for miscellaneous leave without pay should be submitted, in writing, to the delegate or approver, with the following information:

- name of employee
- type of leave
- purpose of the leave
- period of the leave
- work telephone contact number and contact number and address when on leave, if available.

An employee may only be authorised to take leave that has been accrued and credited to the employee. Where an employee's needs cannot be met by their credited entitlement, they should discuss their options (including leave without pay) with their team leader. The team leader may need to contact their [HR Business Adviser](#) to discuss options.

If an employee has insufficient leave credits at the time of application but will have accrued those credits when they are due to take leave, the employee should request the leave and then apply in *Insight!* once the credits are available.

6.8 Who may approve leave

The CA provides a number of authorisations for the approval of leave in [Clause 35](#). [Clause 8](#) of the CA details the Commissioner's general power to delegate his authority.

The delegations for the approval of all forms of leave are outlined in [CA Determination 1 of 2007](#), except for long service leave which is contained in [Attachment 1](#).

6.9 Leave approval

A delegate or other authority (e.g. a team leader with powers conferred directly by the CA) will not unreasonably refuse or revoke an application for leave.

In approving reasonable requests for leave, an assessment of the appropriate balance between operational and personal requirements must take into consideration:

- personal circumstances
- leave patterns of employee
- leave patterns of other team members.

When a delegate decides that a period of leave should not be approved they may seek further documentation or other information about the employee's need for leave. If a delegate still decides not to approve the application, they must advise the applicant about the reason(s) for non-approval in writing, by email or through *Insight!*

7. Standard recreation leave

Recreation leave is available to all full-time and part-time employees. Recreation leave is paid leave and counts as service for all purposes. The granting of recreation leave is subject to the availability of recreation leave credits and operational requirements. A team leader must not unreasonably refuse to authorise a period of recreation leave or unreasonably revoke an application for recreation leave that has already been authorised.

The [AFP Collective Agreement 2007-2011](#) (CA) does not allow an employee to anticipate recreation leave.

7.1 Accrual of recreation leave credits

Employees accrue 228 hours (6 weeks) recreation leave per annum on a monthly pro rata basis, credited on the first day of each month.

Employees may accrue a different amount of recreation leave as determined by their Australian Workplace Agreement or Common Law Agreement.

New employees will receive their recreation leave credit (on a pro rata basis) on the first day of the next calendar month following their date of engagement.

Where an employee, during the previous month, has been granted a form of leave that does not count as service, or has been on an unauthorised absence from duty, then the credit will be reduced on a pro rata basis.

7.2 Minimum usage of recreation leave and maximum credit

To assist in balancing work and out of work requirements, employees are encouraged to take at least 228 hours of recreation leave in each financial year.

Where an employee's accrued recreation leave balance reaches 304 hours, they may be directed to be on recreation leave for a period of 76 hours. A number of consecutive directed periods may occur where the leave balance is higher than 304 hours. Where this occurs, the total direction may only be up to 1 quarter of the credited leave balance. The limit exists for occupational health and safety reasons to encourage employees to take regular breaks from work.

The direction to take leave will not apply to employees on a graduated return to work program or employees with excessive leave balances who have submitted a leave application which will bring their leave credit to 228 hours or lower, or are awaiting leave to be authorised by a delegate.

Where an employee is directed to be on leave, they will not be required to attend work for any reason.

7.3 Applying for recreation leave

There is no minimum or maximum amount of recreation leave that can be approved by a team

leader.

Employees wishing to take recreation leave should submit a leave application through *Insight!* and gain approval as early as possible before the leave is taken. The timely submission of leave applications enables work areas to make alternative staffing arrangements to cover the absence.

7.4 Approval of recreation leave

A team leader must not unreasonably refuse or revoke an application for recreation leave. The team leader must ensure that the management of leave in the workplace delivers an appropriate balance between operational requirements and the needs and commitments of the employee. In approving reasonable requests for recreation leave, an assessment of the appropriate balance between operational and personal requirements must take into consideration:

- personal circumstances
- leave patterns of employee
- leave patterns of other team members.

7.5 Prepayments for recreation leave

Employees can choose to receive a prepayment for recreation leave. Prepayments will only apply to leave overlapping a pay day and only whole pay periods will be prepaid.

To receive a prepayment, employees must submit a leave application via *Insight!* and nominate that a prepayment is required. The application should be submitted at least 4 weeks prior to the commencement of the period of leave. *Insight!* enables employees to process both their recreation leave and application for prepayment, however, if there are any questions please contact the [Pay Team](#).

The prepayment will consist of the entire pay for the whole pay period(s) and will be paid prior to the employee taking recreation leave.

There are tax implications for prepayments for periods of leave that extend across financial years. Employees should contact the [Pay Team](#) for more detailed advice.

7.6 Cash out of recreation leave

Under the [Fair Work Act 2009](#) (Cth) and to comply with the National Employment Standards, an employee must retain a minimum balance of 4 weeks (152 hours) leave. This provision applies equally to employees covered by the AFP CA and the leave provisions of any other 'transitional instrument' (e.g. an Australian Workplace Agreement and common law contracts).

The CA enables employees to cash out, on 1 occasion per financial year, up to 76 hours of their accrued leave balance. From 1 January 2010, employee's will be able to cash out an amount greater than 76 hours, in 38 hour blocks.

The cash out of leave is calculated on what the employee would have received had they taken the leave. If an application for cash out of leave is made at a time where the leave would

otherwise not have been approved, the calculation will be based on what the employee would have received had they taken the leave at a time where the absence would have been approved.

For example, an employee placed on higher duties for a period of time, would not generally have periods of leave approved as this would defeat the purpose of them being placed on higher duties to temporarily fill a role. Therefore, any request to cash out leave may only be approved for a period where the employee would not be on higher duties.

To proceed with this option, employees must contact the [Pay Team](#), in writing, stating their name, leave balance and the number of weeks of recreation leave they wish to cash out.

7.7 Reduced accrual of recreation leave

Employees may elect to reduce the accrual rate of their standard recreation leave in return for a commensurate increase in their salary. Employees may reduce their recreation leave accrual by 38 hours or 76 hours of standard recreational leave for each forthcoming 12 month period, depending on their base entitlement and working pattern.

An employee's accrual cannot be reduced to less than 152 recreation leave hours per employment year for employees working a Support or Operations working pattern or 190 hours per year for employees working the Rostered Operations working pattern.

To apply for a reduced accrual of recreation leave, employees must contact the [Pay Team](#), in writing, stating your name, working pattern, leave balance and the number of hours you wish to sell (38 or 76 hours).

Once an employee elects to prospectively sell recreation leave they will be paid a prorated amount fortnightly, calculated on their relevant base salary and paid on a continuous basis. If an employee decides to revert to the standard accrual rate they will need to contact the [Pay Team](#).

7.8 Minimum accrual for roles under the shift working pattern

Where an employee moves into a role under the Rostered Operations working pattern then they will automatically revert to a minimum accrual of 5 weeks of leave per year.

7.9 Payment in lieu of recreation leave

When an employee separates from the AFP, they will receive a payment in lieu of unused recreation leave credits.

7.10 Cancelling recreation leave

Where an employee working an Operations working pattern has worked their required hours for the quarter (i.e. 520 hrs) and has recreation leave booked for some or all of that quarter, recreation leave credits will not be deducted, and the employee will not be required to attend work for this period. To ensure appropriate recording of time attribution the employee should remove the leave from SAP prior to commencement, and record their absence in Time

Recording *Insight!* as Scheduled day off.

8. Purchased recreation leave

All ongoing full-time and part-time employees may apply to purchase additional recreation leave. Non-ongoing and casual employees do not have the option to purchase recreation leave. Employees may nominate to purchase additional recreation leave in 38 hour blocks in return for a pro rata reduction in their salary.

There is no maximum number of hours that may be purchased, however all applications will need to be considered with operational requirements and broader leave expectations within the team.

8.1 Purchase of recreation leave

The purchase of recreation leave is separate to the accrual of the standard recreation leave. Any leave purchased by an employee will be credited to their leave balance. Purchased leave must be taken in the year it is purchased, prior to any other standard recreation leave being utilised. If purchased leave is not taken within the year it is purchased it is forfeited.

The employee's current base salary will be adjusted by the amount of leave purchased on an annual basis. Employees will have an amount deducted from their annual salary, dependent upon the amount of leave purchased and the employee's annual salary, which will be reflected in their fortnightly salary. This adjustment will be based on the following formula:

New Salary = current salary x A/52

(A = 52 minus the number of recreation leave weeks purchased)

8.2 Applying for purchased recreation leave

Applications to purchase recreation leave can only be made once in any 12-month period. Applications to purchase leave must be submitted in writing and endorsed by the appropriate delegate.

The application for purchased leave consists of a two-stage process, which includes:

- seeking formal approval, in writing, from the delegate to enter into a purchased leave arrangement
- submitting the approved applications for the period(s) of purchased leave via *Insight!*

8.3 Approval to take purchased recreation leave

Only prospective leave requests will be approved. Retrospective purchased leave arrangements will not be approved.

Where an application is approved, the delegate will indicate, in writing, the amount of purchased leave, the specified approval period for the operation of the purchased leave arrangements and the proposed dates the purchased leave is intended to be taken.

If an application is not approved, the delegate must provide written advice to the employee advising of the reason(s) for non-approval.

8.4 Salary deductions for purchased recreation leave

Before applying to participate in the purchased leave scheme, employees should ensure that they are aware of the financial consequences of deciding to reduce their fortnightly salary to purchase additional leave.

Salary deductions will commence on the payday, which signifies the commencement of the 12 month purchase period.

The salary deduction will be adjusted in line with any permanent movements in the employee's annual salary.

9. Mandatory rest days

Employees are credited with 4 mandatory rest days per annum. Mandatory rest days are designed to assist employees to maintain a healthy work-life balance.

A mandatory rest day will be credited on the first day of July, October, January and April to all employees that are employed on each crediting day, and that day counts as service for all purposes. The mandatory rest day must be taken in accordance with any arrangements made with the team leader.

The crediting and deduction of mandatory rest days will be expressed in days. For instance, if an employee works a 12-hour shift and a mandatory rest day is approved by the team leader, then the employee will have 1 day deducted from their mandatory rest day balance, without adjustment to the normal rostered shift of 12 hours.

The mandatory rest day must be used within the quarter in which it was credited. Unused mandatory rest days will not accrue for any reason.

If an employee leaves the AFP and has not been able to take a mandatory rest day, then the unused day will be paid in their final entitlements. Any payment in lieu of an unused mandatory rest day credit will not exceed 1 eight-hour day.

In accordance with the AFP Collective Agreement 2007-2011, any period of miscellaneous leave without pay does not count as service for any purpose. If an employee is on miscellaneous leave without pay that does not count as service for any purpose on a day that an MRD is due to be credited, they are not entitled to receive the MRD.

If however, an employee is on personal leave without pay, this does count as service and a MRD should be credited on the day that the employee would normally be credited.

10. Personal leave

Employees will receive 136 hours and 48 minutes (18 days, each of 7 hours 36 minutes in duration) personal leave credits per annum credited to the employee on a monthly pro rata basis. Personal leave will not be paid out when an employee separates from the AFP.

10.1 Approval of personal leave

[Clause 37.1](#) of the AFP Collective Agreement 2007-2011 (CA) details the criteria for personal leave, which includes care or support of an employee's immediate family

Approval for personal leave for an employee to care for a member of the employee's immediate family or a member of their household due to an unexpected emergency will be determined by considering:

- the physical and emotional wellbeing of the member to deal with the emergency and
- the type and severity of the emergency.

For example, flooding of a member's home may be dealt with independently by the member where they are physically and emotionally fit. However, where the member is in a wheelchair or partially blind, they will be reliant on a carer to assist with the emergency.

For the purposes of personal leave, and consistent with the [Fair Work Act 2009](#) (Cth) the following are members of an employee's immediate family:

- A spouse, child, parent, grandparent, grandchild or sibling of the employee.
- A child, parent, grandparent, grandchild or sibling of a spouse (or former spouse, de facto spouse or former de facto spouse) of the employee.

Personal leave cannot be used for any other purpose than listed above and will not be approved for the provision of care or support to a pet, for personal emergencies, or for the purpose of relocating or moving house.

10.2 Certification requirement

The team leader must approve all reasonable and legitimate requests for personal leave. A team leader may refuse personal leave or request satisfactory evidence to support a current or future application for personal leave, where there is cause to believe that the reasons for such absences, irrespective of their length, are not reasonable or legitimate.

Employees are required to provide satisfactory evidence to support an application for personal leave where they have been absent for:

- 3 or more consecutive occurrences and/or
- without satisfactory evidence on 5 occasions in the current financial year.

For the purposes of [Clause 37.2](#) (paragraph 225), of the CA, an occurrence is a single rostered shift (or part thereof) or normal working day (or part thereof).

10.3 Satisfactory evidence

Satisfactory evidence for the purposes of personal illness and/or for caring purposes where the person being cared for is ill is a medical certificate from a registered health practitioner.

A registered health practitioner means a health practitioner registered, or licensed, as a health practitioner under a law of a State or Territory that provides for the registration or licensing of health practitioners.

Satisfactory evidence for the purposes of caring for an eligible person in the case of an emergency will include suitable documented evidence of the emergency and the requirement for the person to be cared for under the circumstances.

In some cases where it is agreed that it is not practicable to provide satisfactory evidence as listed above, a statutory declaration may be accepted. However, a statutory declaration will only be accepted where prior approval has been granted by the team leader.

10.4 Notifying personal leave absences

In the event of taking personal leave, the employee is required to notify their team leader that they are unable to attend work as soon as reasonably practical (ideally at least 1 hour before the commencement of shift).

If the need for a personal leave absence is known in advance, then notice of the intended absence must be given to the team leader.

Upon return to work, the employee is required to submit a personal leave application via *Insight!*, provide any supporting documentation to the delegate, and record the absence on their time sheet.

10.5 Referrals for medical advice

Where an employee takes lengthy or regular periods of personal leave for the purpose of personal illness and the team leader is concerned about the employee's ongoing fitness for duty, the Manager may direct an employee to be assessed by a suitably qualified and independent medical practitioner. An employee, who is assessed by a medical practitioner and issued with a medical certificate stating that they are unfit for duty, may not attend work for the period of time specified by the certificate. This period of absence will be deducted from their personal leave balance.

The Manager must notify Medical Services if they wish to refer an employee for an assessment by a medical practitioner.

All costs relating to any referral will be met by the business area.

10.6 Personal leave without pay

Where an employee exhausts all their paid personal leave, the team leader may grant unpaid personal leave. Unpaid personal leave must have supporting evidence consistent with sub-clause 10.3 and will count as service for all purposes.

10.7 Maximum continuous absence on paid personal leave

The maximum continuous absence on paid personal leave is 52 weeks. The maximum continuous period on personal leave, paid and unpaid, is 78 weeks.

If an employee remains unfit to return to work after 78 weeks, then further leave without pay may be granted. Subject to sub-section 12(3) of the [Long Service Leave \(Commonwealth\)](#)

[Employees\) Act 1976](#) (Cth) the leave does not count as service for any purpose.

The delegate may waive the maximum period permitted for paid personal leave if they are satisfied that the individual circumstances warrant a waiver, and the reasons are documented.

10.8 Personal illness on recreation leave or long service leave

Employees who are medically unfit for duty for a minimum of 1 day while on recreation leave or long service leave and who provide a medical certificate may apply to convert their recreation or long service leave to personal leave.

Recreation and long service leave will be re-credited for the period of sick leave covered by a medical certificate, with a corresponding debit to the personal leave balance. Statutory declarations are not acceptable for documenting personal illness for the purpose of leave conversion.

Leave conversion under any other circumstance is not permitted.

Requests for the conversion of leave must be in writing and approved by a team leader, prior to forwarding to the [Pay Team](#) for processing.

10.9 Workers compensation and personal leave

Personal leave that is related to a compensation matter is recorded as personal leave in *Insight!*. Employees should follow the same application procedure as for personal leave, until the compensation claim is accepted. Following the acceptance of the claim, the Rehabilitation Case Manager, in consultation with the [Pay Team](#), converts the personal leave to compensation leave consistent with Comcare's determination.

If the claim is not accepted, the personal leave will not be converted to compensation leave, and will, if it has not already been, deducted from the employee's leave balance. The employee may be required to show satisfactory evidence.

While a claim is being determined, it is essential that the team leader monitors leave usage to ensure that if the claim is not accepted the employee does not exceed their leave balance.

11. Maternity leave

Employees are entitled to maternity leave consistent with the provisions of the [Maternity Leave \(Commonwealth Employees\) Act 1973](#) (Cth). In addition to the provisions in the legislation mentioned above, employees shall be entitled to the following maternity leave provisions:

- An employee with 12 months continuous service with the AFP, or a qualifying Agency under the provisions of the *Maternity Leave (Commonwealth Employees) Act 1973* (Cth), is entitled to be paid for the first 14 weeks of maternity leave.
- The payment of paid maternity leave may be spread over a period of 28 weeks at a rate of half the normal salary. Any paid maternity leave beyond the first 14 weeks of the 28-week option does not count as service for any purpose. This administrative arrangement does not extend the total period of paid or unpaid maternity leave available under the *Maternity Leave (Commonwealth Employees) Act 1973* (Cth).

For employees with less than 12 months continuous qualifying Australian Public Service employment, the maternity leave period will be leave **without** pay.

- For employees who achieve 12 months continuous qualifying service at a date occurring during the period of maternity leave, paid leave will apply for the unexpired portion of the 14 week maternity leave period.
- The mandatory maternity leave period, whether with or without pay, counts as service.

The 14 weeks of paid leave normally cover the mandatory maternity leave period, notionally commencing 6 weeks before the expected date of the birth and concluding 8 weeks after the expected date of birth. If the employee wishes to work within the 6 week period prior to the birth, they need to provide a medical certificate stating they are fit to do so.

If the birth occurs more than 6 weeks before the expected date of birth, maternity leave begins from the actual date of birth.

All periods of unpaid maternity leave falling outside of the mandatory maternity leave period do not count as service for the purposes of calculating leave credits.

11.1 Maternity leave and other forms of leave

If an employee suffers from a pregnancy-related illness **prior** to the commencement of the mandatory maternity leave period they will be on Personal Leave until the mandatory maternity leave period commences or maternity leave without pay where personal leave is not available.

11.2 Maternity leave and superannuation

The following table details the options for making employee superannuation contributions to the [Commonwealth Superannuation Scheme](#), the [Public Sector Superannuation Scheme](#), or the Public Sector Superannuation accumulation plan (PSSap) while on maternity leave.

Type of leave	Contributions
Fourteen week full pay maternity leave period	Required to make contributions
If maternity leave is taken at half pay, the second 14 weeks	May elect to make contributions
Other forms of paid leave during the 12 month maternity leave period	Required to make contributions
Unpaid maternity leave, including the 12 week mandatory period if the employee is not eligible for paid maternity leave	May elect to make contributions

Employees intending to utilise the maternity leave provisions are required to notify the [Pay Team](#) prior to taking leave. It is expected that the employee will advise their team leader of the proposed dates of absence as soon as reasonably practicable. All notifications of an intention to take maternity leave must be submitted in writing, accompanied by a doctor's certificate advising the expected date of birth, to enable calculation of leave entitlements.

Where a period of leave without pay under [clause 42](#) of the *AFP Collective Agreement 2007-*

2011 has been approved, and it overlaps with a period of maternity leave, the employee will be deemed to be on maternity leave. However, the employee will not be eligible for payment during the approved period of leave without pay. The approved period of leave without pay cannot be revoked in this instance, even where the employee returns to the workplace during the previously approved period of leave without pay, and prior to commencement of the maternity leave absence.

11.3 Maternity leave and returning to work

An employee is generally entitled to return to the position they held prior to commencing maternity leave, or to a comparable position if the original position has ceased to exist, with the same conditions and hours of work (in accordance with the relevant industrial agreement) and performing the same type of duties.

If an employee was transferred to different duties due to pregnancy prior to proceeding on maternity leave, on her return she should be placed in the position she held prior to the transfer.

If, when returning to work, an employee wants to work part-time and there are genuine operational requirements that mean that this is not possible in the position they held prior to going on maternity leave, the emphasis is on the AFP to find a suitable alternative position wherever possible.

An employee may take consecutive periods of maternity leave. The paid component is payable in this situation where the employee meets the eligibility criteria.

11.4 Parental leave

An eligible parent may have an initial period of 52 weeks parental leave after the birth of a child or children in the case of a multiple birth. This period of unpaid leave may be extended for a period of up to 12 months immediately following the end of the initial period of unpaid leave.

An eligible parent may extend their right to unpaid leave for a total period of up to 24 months. This period of leave may be taken by either parent or a combination of both parents whose combined period of leave does not exceed 24 months.

This leave may be accessed concurrently by both parents for an initial period of 3 weeks immediately after the birth of a child or children in the case of a multiple birth.

Refusal to grant requests for unpaid parental leave may only be refused on reasonable business grounds.

When resuming work, the employee is entitled to return to the same position that the employee left immediately prior to commencing the period of parental leave. In the event that the position no longer exists, the employee is entitled to return to a role for which they are qualified and have the relevant skills. In instances where the employee was transferred to a safe role for the balance of the pre-confinement period; the employee is entitled to return to the position or a similar role held immediately prior to the pregnancy being identified or the safe position being commenced.

11.5 Further information

Employees should contact the [Pay Team](#) to obtain advice on their entitlements.

Issues restricted to maternity leave may be clarified by reference to the [AFP maternity information kit](#) located on the AFPHUB.

12. Adoption leave

An employee, with at least 12 months continuous service, who is the primary carer will be entitled to 6 weeks paid adoption leave for the purposes of adopting a child. The adoptive child must not be a child or step-child of the employee or the employee's partner unless that child had not been in the custody and care of the employee or the employee's partner for a significant period (generally, a period greater than 6 months).

The Manager People Strategies may grant an additional eight weeks leave for exceptional circumstances, such as a period of international travel prior to the adoption. This additional leave is not intended to be used to extend post adoption leave.

In addition, a parent of an adopted child may request 12 months (unpaid) adoption leave with a right to request an additional 12 months.

13. Long service leave

Provisions pertaining to eligibility, including pay out on cessation and prior service, are contained within the [Long Service Leave \(Commonwealth Employees\) Act 1976](#). Long service leave is accrued at the rate of three (3) calendar months after ten years of service and an additional nine (9) calendar days for each year of service thereafter.

13.1 Applying for long service leave

Employees intending to take long service leave are required to submit an **Application for leave** form to the delegate (see Attachment 1) for approval prior to taking the leave. The Application for leave form can be obtained via AFP Forms.

13.2 Granting long service leave

Long service leave is granted in months and calendar days. For example, 1 month's long service leave, if commenced on 1 February, would end on the last day of that month, or if commenced on 16 February, would end on 15 March. In calculating fractions of a month, 1 month equals 30 calendar days.

Weekends and public holidays are regarded as part of the long service leave period. That is, weekends, public holidays and normal working days within the period of an application are counted towards the total number of days of long service leave being taken. In accordance with government policy, the delegate will not approve long service leave applications which may unreasonably exclude deductions of long service leave credits over weekends and public holidays.

Applications for long service leave will not be approved where they are broken with periods of other leave or by public holidays or weekends.

The minimum period of long service leave able to be granted is 7 days.

An employee may elect to take their long service leave on half pay, which means that their credits are reduced at half the rate and they receive half pay.

An employee on long service leave who sustains an injury or becomes ill may be granted personal leave for the period of the injury or illness, provided they submit satisfactory medical evidence that they are unfit for duty for the period of sick leave applied for. An equivalent period of long service leave is re-credited in these circumstances.

13.3 Prepayment for long service leave

Employees can receive a prepayment for long service leave. Prepayments will only apply to leave overlapping a payday and only whole pay periods will be prepaid. Requests for prepayment should be identified when applying for long service leave.

There are tax implications for prepayments for periods of leave that extend across financial years. Employees should contact the [Pay Team](#) for advice.

13.4 Recognition of prior service

In some circumstances, employees may be entitled to have service with other non-Australian Public Service government agencies recognised for the purpose of accruing long service leave. Request for recognition of prior service should be in writing and forwarded to the Pay Team.

14. Compassionate leave

An employee may be granted 2 days of paid compassionate leave for the purposes of spending time with a person who is a member of the employee's immediate family or a member of the employee's household and:

- has a personal illness, or injury, that poses a serious threat to his or her life; or
- after the death of a member of the employee's immediate family or a member of the employee's household.

For the purposes of compassionate leave, and consistent with the [Workplace Relations Act 1996](#) (Cth), the following are members of an employee's immediate family:

- a spouse, child, parent, grandparent, grandchild or sibling of the employee; and
- a child, parent, grandparent, grandchild or sibling of a spouse (or former spouse, de facto spouse or former de facto spouse) of the employee.

If compassionate leave absence is known in advance, then a notice of the intended absence must be given to the team leader. Upon their return to work, the employee is required to submit a compassionate leave application via *Insight!*

An employee is required to provide reasonable evidence for each occasion of illness, injury and death to support an application for compassionate leave.

Where an employee is granted compassionate leave, for the purpose of time recording the absence will include the hours the employee would otherwise have worked on that day.

15. Miscellaneous leave

The intention of miscellaneous leave is to provide flexibility for managers and employees by providing leave, with or without pay, for a variety of purposes.

15.1 Applying for miscellaneous leave

Applications for miscellaneous leave for paternity leave (sub-clause **245**(h)) or for any other purpose deemed by the Commissioner (sub-clause **245**(j)), must be via a manual application form. Other applications can be applied for via *Insight!*

Applications for miscellaneous leave without pay must be submitted in writing. The business area must sight the request and indicate whether or not it is supported, then forward to the delegate.

15.2 Approval of paid miscellaneous leave

There is no minimum or maximum period of paid miscellaneous leave that may be approved. Miscellaneous Leave **with** pay will be available in very limited circumstances and only where the reason for the leave is compelling, or clearly in the interests of the department.

Approval of paid study leave must be consistent with the [AFP Practical guide on the professional development scheme](#).

A team leader can approve paid miscellaneous leave for the purposes of:

- jury service
- war service sick leave (certificated)
- paternity leave (capped at 5 whole days).

The Manager People Strategies can approve paid miscellaneous leave for the purposes of:

- additional compassionate leave (consistent with the eligibility criteria for standard compassionate leave)
- NAIDOC
- participation in State Emergency Service activities
- non-AFP employment or work in the interest of the AFP or law enforcement.

The National Manager Human Resources may approve applications for paid miscellaneous leave for any other reason or for extended periods.

To ensure consistency and equity, additional compassionate leave should not exceed 5 days.

If the approved miscellaneous leave is in excess of 7 days, only the first 7 days will be paid at the employee's normal rate of pay, inclusive of the employee's normal composite payment.

The National Manager Human Resources may authorise the continuation of payment of the employee's composite where approved paid miscellaneous leave exceeds 7 days. The continuation of the payment of the composite will usually occur where the absence is in the interests of the AFP.

15.3 Miscellaneous leave without pay

Miscellaneous leave without pay may be granted in the interests of the employee and operational needs acceptable to the AFP. For example:

- Personal and development training
- Days of cultural or religious significance for employees
- Accompanying a partner on posting
- Non AFP employment or work in the interest of the AFP or law enforcement
- Parental leave
- Participation in major national and/or international sporting events
- For any other purposes where other types of paid leave have been exhausted.

Unless deemed otherwise by the Commissioner, miscellaneous leave without pay will not count as service for any purpose.

15.4 Approval of miscellaneous leave without pay

There is no minimum or maximum period of paid or unpaid miscellaneous leave that may be approved.

Periods of unpaid miscellaneous leave for a continuous period or up to and including 3 calendar months can be approved by the Office Manager.

Periods of unpaid miscellaneous leave for a continuous period in excess of 3 months can be approved by the Manager (SES band 1).

Where miscellaneous leave is refused by a delegate, they must advise the employee about the reason(s) in writing for non-approval.

15.5 Paid paternity leave

A maximum period of 5 whole days of paid paternity leave may be granted to an employee starting within 7 days of the day their partner begins to give birth.

The delegate may request satisfactory evidence of the birth such as a medical certificate, birth certificate or copy of the birth registration form.

Paternity leave must be applied for using a manual application form.

15.6 Miscellaneous leave for accompanying a partner on posting

Miscellaneous leave without pay will generally be granted for the purposes of accompanying a partner on an AFP posting. However, approval may be given for employees accompanying a partner on a posting with an organisation outside the AFP.

16. Defence Reserve Service leave

In order to support employees undertaking Defence Reserve Service, the AFP will provide

reservists with access to leave, both paid and unpaid, to enable them to meet their defence obligations.

Issues restricted to Defence Reserve Service Leave may be clarified by reference to the [AFP Practical Guide on Defence Reserve Service](#).

17. Study leave

Paid study leave can only be granted to approved students under the AFP Professional Development Scheme so that they may undertake activities related to their schemes of study.

Issues restricted to study leave and the Professional Development Scheme may be clarified by reference to the [AFP Practical Guide on the professional development scheme](#).

18. Public holidays

Employees are entitled to 13 public holidays. The following days are designated as public holidays:

- New Year's Day (or substitute day)
- Australia Day (or substitute day)
- Good Friday and the following Saturday
- Easter Monday
- Anzac Day
- Queen's Birthday Observance Day
- Labour Day or equivalent
- Christmas Day (or substitute day)
- Boxing Day (or substitute day)
- Public Service Christmas holiday
- Up to 2 further local public holidays.

Where a public holiday is substituted and an employee is rostered to work on the actual day, the employee may elect to have the actual day recognised as the public holiday. An employee may not have both the actual day and the substituted day deemed a public holiday.

19. Christmas/Easter close down

The 2 normal working days between Christmas and New Year, and the Sunday within the Easter weekend, are to be treated as public holidays.

20. Public holidays and travel

During periods of travel, the public holiday applicable at home base will apply not the local holiday.

Where an employee is sent to a different location that is not their home base on official travel and the new location has a local public holiday the public holiday in the new location will not apply. These employees will be expected to work on that day with no penalty or double time hours. However, where an employee is assigned to a position based in the new location the

public holiday will apply to them.

21. Flex leave

Employees who work a Support working pattern and are classified up to and including Band 8 have access to flex time and, where applicable, flex leave.

Issues restricted to flex time and flex leave may be clarified by reference to the [AFP National Guideline on flex time](#).

22. Review of decisions

The Dispute Avoidance and Settlement Procedure at [Clause 47](#) of the AFP Collective Agreement 2007-2011 (CA) will deal with the prevention and settlement of disputes arising from an interpretation of the leave provisions of the CA.

23. Further advice

Any queries relevant to the content of this National Guideline should be referred to your [local HR team or HR Business Adviser](#).

Issues restricted to a particular form of leave may be clarified by reference to the relevant instrument listed in the **References** or by contacting the [Pay Team](#).

24. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Fair Work Act 2009](#) (Cth)
- [Long Service Leave \(Commonwealth Employees\) Act 1976](#) (Cth)
- [Maternity Leave \(Commonwealth Employees\) Act 1973](#) (Cth)

AFP Governance instruments

- [Australian Federal Police Collective Agreement 2007-2011](#)
- [AFP Collective Agreement 2007-2011 \(CA\) Determination 1 of 2007](#)
- [AFP National guideline on flex time](#)
- [AFP National guideline on secondary employment](#)
- [AFP Practical guide on Defence Reserve Service](#)
- [AFP Practical guide on the professional development scheme](#)

Other sources

- [AFP maternity information kit](#)
- [Australian fair pay and conditions standard](#)

25. Attachments

[Attachment 1 - Long Service Leave Delegations \(DOC 152kB\)](#)