

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Leave

Context

Victoria Police offers a range of paid and unpaid leave entitlements and incentives for employees, which enable the organisation to:

- be adaptive and responsive to the needs of our people and changing community needs
- facilitate the safety, health and well-being of our people
- support ongoing learning by our people.

Leave entitlements are derived from a range of sources which include:

- minimum employment conditions specified in state and federal legislation and employment agreements
- the organisation's strategic direction and associated corporate planning publications.

Policy at a glance

This policy includes:

- the rules and processes for the range of leave types available to Victoria Police employees.
- information to assist employees and managers regarding the eligibility requirements for discretionary leave types.
- guidance on the information the delegate will take into consideration when making a decision regarding requests for discretionary leave types.
- information regarding the supporting documentation required to support leave requests.

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Definitions

Specific definitions are contained within the relevant sections.

Also refer to the general VPM Dictionary for definitions and acronyms.

Scope and application

This policy applies to all Victoria Police employees and their families (where relevant). This is inclusive of LGBTIQ+ employees and family structures such as same sex coupled parents, single parents etc.

Part-time employees' leave entitlements accrue on a pro-rata basis unless otherwise specified.

In this policy, unless stated otherwise, 'police/police members' refers to those employees covered by the *Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2019* (hereafter referred to as the Sworn Agreement) and 'Victorian Public Service/VPS' refers to those employees covered by the *Victorian Public Service Enterprise Agreement 2024* (hereafter referred to as the VPS Agreement).

Policy

All full-time and part-time employees, whether ongoing or fixed term, are eligible for leave, unless specifically excluded in the relevant section of this policy, enterprise agreement or the *Fair Work Act 2009*. When applying for leave the following conditions apply:

- employees are responsible for applying for leave from their work unit in a timely manner using HR Assist, oracle timesheets or the appropriate leave form as specified and submit it to their work unit manager
- the relevant section of this policy will specify whether the employee is required to substantiate and provide evidence to access any, part, or all of a leave entitlement

- all requests made should be in good faith, and subsequent documentation provided, when required, must be completed lawfully, truthfully and to the best of the employee's knowledge at that time
- during any period of leave, employees remain subject to the Victoria Police Professional and Ethical Standards.

The authority for approval of any leave rests with the work unit manager (defined as Level 4 in the delegations manual) unless stated otherwise. If the work unit manager is not the authorised delegate, they must refer requests for leave to the relevant delegate in a timely manner, noting whether they support the employee's request.

When determining the outcome of any leave application, work unit managers and/or the authorised delegate must have regard to the following considerations:

- legal and industrial obligations
- service delivery needs, refer to **CCI 09/24 Minimum station profiles**
- rostering requirements, refer to **CCI 08/24 General duties rostering** and consider minimum station profiles where applicable, refer to **CCI 09/24 Minimum station profiles**
- the employee's personal circumstances
- occupational health and safety standards.

To avoid any conflict of interest, the following people must not lawfully witness an employee's statutory declaration provided as part of their request for leave:

- work unit manager
- authorised delegate
- position nominated to provide counsel.

Any supporting documentation provided as part of the employee's request for leave must be viewed by the employee's work unit manager or Business Partnering & Workplace Relations Division (BPWRD).

All employees on extended leave are responsible for ensuring that appropriate arrangements are in place for pay deductions and contributions to the ESS Super or other funds during their absence from Victoria Police.

Compassionate leave

Compassionate leave may be granted on each occasion where:

- a member of the employee's immediate family or a member of the employee's household (including non-family members currently residing in the employee's household) contracts or develops, or is diagnosed with an illness that poses a serious threat to their life
- a member of the employee's immediate family or a member of the employee's household (including non-family members currently residing in the employee's household) sustains an injury that poses a serious threat to their life
- a member of the employee's immediate family or a member of the employee's household (including non-family members currently residing in the employee's household) has passed away
- An employee who has a miscarriage within the first 12 weeks of pregnancy (where the miscarriage occurs after the completion of 12 weeks of pregnancy the employee may be entitled to paid parental leave as per section 31.7 of this policy)

- a VPS employee's current spouse or de facto has a miscarriage
- a police member's current spouse or de facto partner has a miscarriage within the first 12 weeks of pregnancy (where the miscarriage occurs after 12 weeks of pregnancy a police member may be entitled to paid partner leave as per section 31.6 of this policy).

Immediate family includes:

- the employee's spouse (including the employee's former spouse, de facto spouse and former de facto spouse), and is irrespective of the gender of either the employee or the other person. 'De facto spouse' means a person who lives with the employee in a relationship as a couple on a genuine domestic basis
- child, or adult child (including an adopted child, stepchild or ex-nuptial child), parent, grandparent, grandchild or any sibling or equivalent step-relationship of the employee or employee's spouse.

1. Conditions

1.1 General conditions

- Up to three working days paid leave for each occasion (including recruits; excluding casuals) which may be taken:
 - as a continuous absence
 - in any separate periods to which the employee and work unit manager agree.
- Paid leave is for hours normally worked.
- Additional leave with or without pay may be granted for employees where the time already granted is considered inadequate.
- By exception, leave with pay may be granted retrospectively under this section.
- Additional leave may be considered for approval by the authorised delegate in certain circumstances, such as where:
 - the employee is required to undertake significant travel
 - there are religious or cultural requirements
 - there is a close relationship
 - the employee is responsible for organising funeral arrangements
 - circumstances of the death/illness warrant special consideration
 - the employee has caring responsibilities for affected immediate family members.
- An employee should not be granted leave under this section if the leave requested can be granted under Personal Leave (to care for a dependent due to an illness).
- Any paid leave granted under this section counts as service for all purposes.

1.2 Compassionate leave for significant relationships

- Employees may apply for compassionate leave where a significant relationship existed and they can reasonably demonstrate this. A significant relationship includes but is not limited to:
 - a foster parent or guardian with whom the relationship was that of carer but no direct descent exists
 - a member of the employee's extended family whose role was effectively immediate as a result of other circumstances.

- Where the authorised delegate is reasonably satisfied a significant relationship exists, compassionate leave will be granted to the employee.
- As part of their consideration, the authorised delegate should consider whether or not the employee has used or intends to use their own accrued leave, irrespective of the outcome of their request under this section.

1.3 *Employee of Aboriginal or Torres Strait Islander descent*

Employees of Aboriginal or Torres Strait Islander descent, in addition to Cultural and Ceremonial Leave (see Other Leave section), may be granted paid leave of up to three days in relation to the death of an extended family member.

1.4 *Impact of other leave or time in lieu*

Where an employee is on any form of leave or time off in lieu, and becomes eligible for compassionate leave under this section, the employee may access compassionate leave entitlements, and the period of paid leave or time off in lieu will be re-credited.

2. Applying

- Any request for compassionate leave will be treated confidentially, and with sensitivity and respect. The authorised delegate may request evidence e.g. Death Notice, medical certificate from a Registered Practitioner, Statutory Declaration from the employee, or other relevant documentary evidence to reasonably satisfy the delegate that the application meets the criteria for this type of leave.
- Apply for paid compassionate leave of up to three days using HR Assist (VPS employees) or Oracle Timesheet (police members).
- The authorised delegate for up to three days paid compassionate leave is a Level 4 delegate (work unit managers).
- Where an additional two days of paid leave is sought, up to a total of five days, the authorised delegate is a Level 2 delegate. Written applications and any supporting documentation are to be submitted via the chain of command to the delegate for consideration.
- Where additional paid leave, in excess of the total five days (as above), is being sought, the delegate is the Director, BPWRD, Human Resource Command (HRC). Written applications and any supporting documentation are to be submitted via the chain of command to the Director, BPWRD for consideration.
- In the case of a significant relationship, the employee may submit supporting documentation (at a minimum, a statutory declaration) to the authorised delegate as part of their application.

Defence force leave

Employees who volunteer for service with the Australian Defence Forces Reserve (ADFR) must be granted leave in order to fulfil their obligations to the ADFR. ADFR includes Australian Army Reserve, Australian Air Force Reserve and Australian Naval Reserve.

Defence force leave must not be to the detriment of current or future employment with Victoria Police. Any paid or unpaid leave does not detrimentally affect any other entitlement owed to the employee, unless specifically noted elsewhere in this policy.

3. Conditions

3.1 *General conditions*

- Employees who volunteer for service with the ADFR are entitled to up to 20 days, or the equivalent number of hours, of paid defence force leave (consecutive or aggregate), each calendar year.
- In accordance with the *Defence Reserve Service (Protection) Act 2001* (Cth), it is unlawful to prevent an employee from rendering or volunteering to render defence service.

3.2 *Other ADFR or other defence force service*

- Unpaid defence force leave is available for ADFR or other defence force service where an employee has used their 20 days of paid leave entitlement. The employee is not required to use other accrued leave prior to taking unpaid defence force leave but they may elect to do so.
- Leave for service with ADFR should not constitute a disadvantage; therefore, an employee who exceeds the 20 day paid leave entitlement, will be paid make-up pay for the period of defence service. Where the employee's base salary (excluding allowances) from the Australian Defence Force or Defence Reserve service is below the employee's pay from the Victoria Police (salary and allowances), they will be paid make up pay to their full pay.
- Continuing higher duties upon return from defence force leave is at the discretion of the authorised delegate. If the delegate agrees, any make-up pay will be calculated at this rate.
- VPS employees may apply for make-up pay to attend any other defence reserve service or up to two other schools, classes or courses of instruction each year up to a maximum of 78 weeks continuous service.
- The authorised delegate may claim the Employer Support Payment (ESP) Scheme from ADFR. This is coordinated by Financial Services and the period claimed must be for more than five days and requested within 12 months of the start date of their service. If the employee is using their own accrued leave, Victoria Police is not eligible to claim ESP. Full details of the ESP Scheme can be found on the ADF website – [ADF Reserve ESP](#).
- Victoria Police may be entitled to receive ESP while an employee is recovering from an illness or injury sustained during Defence Force service (refer to section 3.4 of this policy).

3.3 *Defence force leave and other employee conditions*

- Any periods of paid leave granted as ADFR leave will not affect any service entitlement, including recreation or personal leave accrual or eligibility for long service leave.
- Periods of paid leave is inclusive of rest days. Rest days are not carried forward.
- Accrued time off continues to accrue during paid periods of ADFR Leave only.
- Probationary Constables are not required to extend their probation period to accommodate Defence Force leave. This principle applies to any other probation period.

- Progression for employees covered by the Sworn Agreement may be deferred where an employee has been on ADFR leave in excess of three months in the current progression period and because of the length of the absence the employee's performance is unable to be assessed. Where an employee's progression has been deferred, and the employee is assessed as suitable at the completion of the deferment, they will be entitled to progression from the date that they would have progressed if not for the deferment and will be entitled to retrospective payment.

3.4 *Injury or illness during defence force service*

If the employee sustains an injury or contracts an illness during Defence Force service that necessitates further absence from Victoria Police, the authorised delegate may grant further paid leave on the following terms:

- if compensation is not paid to the employee by the appropriate Commonwealth Department in respect of such absence, the leave may be granted as additional paid personal leave
- if compensation is paid and is equal to or exceeds the amount of pay which the employee would have received had they been granted personal leave, the leave should be granted without pay
- if compensation is paid and is less than the amount of pay which the employee would have received had they been granted personal leave, Victoria Police will provide make-up pay to the employee and deduct their personal leave credits accordingly.

4. Applying

- Employees must consult with their work unit manager regarding the proposed timing of the defence force service and will give as much notice as possible of the time period when the service will take place.
- Requests should be submitted to the employee's work unit manager who is also the authorised delegate (Level 4). Requests must include the training notice/call up notice/Tri Service form as issued by the Commanding Officer of their defence force unit plus any other documentation required by the work unit manager to verify the request.
- Employees are not exempt from the requirement to apply for secondary employment or outside interests however these applications will be automatically approved. Application to undertake such service is required for recording purposes only to allow for operational planning (see **VPM Conflict of interest**).
- If seeking further leave from Victoria Police due to injury and/or illness arising from Defence Force service, employees should provide ADFR medical records, a medical certificate from a registered medical practitioner or a referral can be made to the Police Medical Officer (PMO).
- If defence force leave is granted, confirmation of ADFR service attendance must be submitted when the employee returns to work. If applying for make-up pay, a statement of earnings from the defence unit must also be submitted.
- If a claim for injury or illness is completed by an employee, the authorised delegate should submit the ADFR Employer's claim form. The form should be submitted on injury or illness grounds and accompanied by a supporting letter and evidence of the injury or illness, its treatment and its impact on the capacity for work.

Deferred salary scheme (police members only)

All eligible police members may apply to defer salary for additional planned leave from the workplace. The employee spreads their pro-rata salary and position based annual allowances, at 80%, for a one, two, three or four year qualifying work period to take a continuous period of paid leave, in accordance with the table below. During the period of leave the employee will receive an amount equal to 80% of the salary they were otherwise entitled to for the relevant period. If the employee works full-time and/or part-time their salary is adjusted on a pro-rata basis accordingly.

Work/Qualifying Period (years)	Leave at 80% salary (weeks)
One	13
Two	26
Three	39
Four	52

Victoria Police recommends that employees considering the deferred salary scheme also seek independent financial advice prior to commencing the arrangement.

5. Conditions

5.1 Overview

- The deferred salary scheme comprises of two components:
 - a qualifying period, during which the employee continues to work and agrees to receive their substantive salary reduced by 20%
 - a leave period, during which the employee is placed on leave and receives the accrued salary owing.
- The deferred salary scheme:
 - reduces the employee's Schedule A - Ordinary Rate of Pay Recruit to Commander, Schedule E – Legal Services Department and Schedule F – Tactical Flight Officers during the qualifying period by 20%
 - reduces the employee's permanent Schedule B - Salary Related Allowances during the qualifying period by 20%
 - has no impact on Schedule C Expense Related Allowances, or overtime/recall penalties, shift allowances and leave loading.

5.2 Impact of Full-time Equivalent (FTE) changes

If during the qualifying period, the employee alters their time fraction, during the leave period they receive an average salary amount based on their FTE during the qualifying period. This includes periods of purchased leave.

5.3 Impact of promotion and transfers

If the employee transfers or is promoted to a new area, they must advise the new work unit manager of the arrangement.

If promotion occurs during the qualifying period, during the leave period the employee will receive an average salary amount based on their salary during the qualifying period.

5.4 Impact of cessation of employment

If the employee ceases employment while under the scheme, Victoria Police must repay

all salaries and allowances deferred during the entirety of the scheme. Employees should note this will be paid as a lump sum.

5.5 *Taking the leave period*

Once the employee completes their qualifying period, the entitlement to the leave period applies. The leave period will, generally, commence on 1 July or 1 January of the following year in line with the commencement date of the scheme. The period of leave cannot be longer than 12 months, therefore:

- the employee should exhaust all accrued recreation leave prior to commencing their leave period under the scheme, where possible, which will be paid at the adjusted rate (noting recreation leave can also be cashed out, see section 52.6 of this policy). If the employee has not exhausted their accrued recreation leave prior to commencing the leave period, they should discuss with management upon their return to work, a plan for taking any remaining leave
- no other voluntary leave will be granted during the leave period
- the deferred salary scheme leave period cannot be taken at half pay.

5.6 *Occupants of police residences during the leave period*

Due to the impact on service delivery, the employee may be required to vacate the residence if management consider it necessary. Approval will also be contingent upon the employee giving written consent to being moved to another work location without residence when they return to work, this will be the closest practicable location to their previous position.

5.7 *Voluntary duties during the leave period*

- Employees can perform voluntary duties during the deferred salary leave period. Employees interested in performing voluntary duties must register with the State Event Planning Unit (SEPU) prior to commencing leave and provide SEPU with a private email address where the employee will be unable to access Victoria Police emails.
- Conditions of voluntary duties are as follows:
 - employees may only perform voluntary duties while they remain OSTT qualified. Once an employee's OSTT lapses, they will no longer be able to undertake voluntary duties as they will not be able to re-qualify until they return to work following completion of their leave period
 - prior to commencing leave, employees will need to seek an exemption from management (outside of policy) to retain their kit
 - voluntary duties offered to employees will only be for specific voluntary duties to ensure the member is not exposed to incidents that will require follow up actions such as processing of offenders, investigations, briefs of evidence, court proceedings etc.
 - payment for voluntary duties will be paid at overtime/recall rate 1.5 of the employee's ordinary hourly rate of pay, not the reduced deferred salary scheme rate.

5.8 *Professional and ethical standards during the leave period*

If the employee wishes to undertake any form of employment in their leave period of the scheme, they must apply before commencing leave, where feasible, (see **VPM Conflict**

of interest) and must comply with all policy and legislation as an employee of Victoria Police.

5.9 *Deferred salary scheme and other employee conditions*

- The deferred salary scheme:
 - counts as service for the purpose of accruing personal, recreation (except the leave period, see section 5.10 of this policy) and long-service leave. All leave taken during the qualifying period will be paid at the reduced rate
 - does not limit an employee's eligibility for assignments, secondments or other developmental opportunities. To ensure the employee is not disadvantaged while undertaking higher duties assignments, during the qualifying period the base salary is paid at the deferred salary scheme rate, and an additional top up payment is made towards the higher duties amount
 - results in the salary payable during the leave period being reduced to 80% of the employee's Schedule A – Ordinary Rate of Pay and permanent Schedule B - Salary Related Allowances as at commencement date of the leave period and subject to the provisions of section 5.3 of this policy
 - may impact on the employee's eligibility for progression in the period of leave where the member elects a qualifying period of four years and takes leave of 12 months as per clause 64.10 and 64.12 of the Sworn Agreement.
- Should the employee be the subject of disciplinary action:
 - during any period of suspension with pay, the employee will continue to be paid in accordance with the scheme
 - any period of suspension without pay will suspend the qualifying period for the employee, however they may consider withdrawing from the scheme
 - should the outcome of the discipline action include rescinding the period of suspension without pay, the employee may elect to retrospectively recommence the qualifying period, if they have not withdrawn from the scheme.

5.10 *Impact of the one to four-year qualifying period*

- Any paid leave entitlement, excluding paid parental leave, during the one to four-year qualifying period of the scheme, will be paid at the reduced rate and will not extend the qualifying period. The rate of payment for employees who take parental leave during the qualifying period will be that as stipulated by the Enterprise Agreement and will not impact the duration of the qualifying period.
- Any period of leave without pay or unpaid leave, approved during the first four years of the scheme will extend the qualifying period by an equivalent period of time.
- If an employee accesses parental leave, they may be paid the deferred salary rate during the portion of paid leave, or they have the option to suspend the scheme for the duration of their parental leave or they may elect to withdraw from the scheme and receive the lump sum payment equivalent to the amount of salary forgone to that time (noting any financial implications of receiving the forgone salary in a lump sum).
- Where an employee accesses Workers' Compensation Leave, the deferred salary scheme will be suspended until the employee resumes their pre-injury working pattern. If their absence is, or is anticipated to be, longer than 12 months then the employee may consider withdrawing from the scheme.

- Employees who commence the deferred salary scheme are not eligible to be paid leave at half pay, unless they access parental leave and elect to suspend or withdraw from the scheme.

5.11 *Impact of leave period*

- The impact of paid leave entitlements taken during the leave period differs depending on the type of leave taken. This may be paid at the reduced rate or at 100% of salary and it may extend the period of leave.
- The leave period is counted as service and does not break an employee's period of continuous employment for the purpose of long service leave.
- Where an employee is ill, injured or has an unexpected family or household emergency, they can take personal leave (at 100% of pay and upon meeting of the appropriate notification and documentary requirements) and the leave period will be extended by an equivalent period.
- Recreation leave will accrue during the leave period.
- Employees will not accrue accrued time off (ATO) during the leave period. Entitlements to ATO throughout the qualifying period will be impacted and will reduce as outlined in the table below.

Work/Qualifying Period (years)	Leave Period (weeks)	ATO (hours)
One	13	57
Two	26	38
Three	39	19
Four	52	0

- Participation in the scheme does not affect any entitlement to parental leave during the leave period. Employees must still comply with the notice requirements outlined in the Parental Leave section of this policy. Employees accessing parental leave during the leave period have the option to suspend the scheme for the duration of their parental leave or they may elect to withdraw from the scheme and receive the lump sum payment equivalent to the amount of salary forgone to that time (noting any financial implications of receiving the forgone salary in a lump sum). Entitlements to paid parental leave will be at 100% of the employee's pay.

5.12 *Conversion of the qualifying period and the leave period after 1 April 2020*

- Employees who are already undertaking a deferred salary scheme arrangement prior to 1 April 2020 may elect to convert this arrangement to the following:

Work/Qualifying Period (years)	Leave at 80% salary (weeks)
One	13
Two	26
Three	39
Four	52

- Employees should provide 21 days' notice to their work unit manager of their intention to convert their deferred salary scheme arrangement entered prior to 1 April 2020.
- Where an employee does not wish to convert their arrangement, they will continue on their existing arrangement.

5.13 *Impact on superannuation – Defined Benefit Scheme*

- A reduction in time fraction is applied whereby the superable salary is the full-time equivalent salary and the time fraction is reduced proportionately to reflect the deferred salary scheme arrangement. That is, the time fraction is reduced to reflect the reduction in hours worked over the deferred salary scheme period. For example, for a full-time employee, on commencement of the deferred salary scheme with a four-year qualifying period and 52 week leave period option, the time fraction reduces to 0.8, reflecting the fact that only four of the five years have been worked.
- The reduction to a 0.8 time fraction is effective from the commencement date of the approved deferred salary scheme.
- Superannuation contributions (both employer and employee) to defined benefit superannuation schemes are based on the employee's annual superable salary and time fraction, which are reported to the Emergency Services and State Superannuation Board (the Board) throughout the year when changes occur to the superable salary.
- In the example above (a four-year qualifying period and 52 week leave period option) for superannuation purposes, a full-time employee's time fraction will be reduced to 0.8 FTE on commencing the deferred salary scheme. As a result, employee and employer superannuation contributions will be reduced to the 0.8 level instead of the full time level. The time fraction application to part-time employees will be 80% of the already reduced time fraction that reflects the part-time service.
- Employees remain entitled to normal benefit coverage through the combined total period of the scheme.
- The 'Final Average Salary', for the purposes of calculating the employees' superannuation benefits uses the salary during the final two years before retirement. As the FTE salary is used it does not affect an employees' final average salary if they wish to claim their superannuation benefit.
- If an employee has not reached his/her maximum benefit multiple and they take up a deferred salary scheme working arrangement, the benefit will accrue proportionately according to the 0.8 time fraction and therefore more slowly (four-year qualifying period and 52 week leave period option). In addition, there may, in certain circumstances, be an impact on death and disability benefits as prospective service will be based on the reduced time fraction.
- Accordingly, it is recommended that employees seek advice on the impact of the deferred salary scheme from their superannuation fund, before entering into an arrangement.

5.14 *Uniform and kit*

Employees must present their uniforms and kit to the authorised delegate for inspection and recording before commencing the leave period.

5.15 *Return to duties at the end of the leave period*

The employee is required to resume duty at the end of the leave period unless other leave has been approved. The employee will resume at 100% of their salary payable at that time.

6. Applying

6.1 *Application timeframe*

- To apply for the deferred salary scheme, all employees must use HR Assist.
- Generally, employees must apply between 1 April and 31 May to commence in the next financial year (1 July) and 1 October and 30 November to commence in the next calendar year (1 January).
- Applications submitted outside of these periods or seeking alternate commencement dates (other than 1 July or 1 January) must attach a form 47 providing reasons why an alternative arrangement is sought.

6.2 *Application process*

- The Senior Manager is the authorised delegate (Level 2).
- A written response to the application must be provided as soon as practicable, no later than 21 days after the request is made.
- In considering an application, the Senior Manager needs to consider:
 - the employee's reason in making an application for the deferred salary scheme as a workplace flexibility arrangement
 - the budget implications
 - the impact within the unit so that the workloads of other employees are not unduly affected in the leave period
 - the capacity to replace the employee during the leave period
 - the existing leave liabilities and plans within the work unit.
- The delegate may refuse a request only on reasonable business grounds and must include details for the refusal and any supporting materials used to refuse the request in the written response to the employee.

7. Keep in touch

- Reasonable steps should be taken to keep employees, who are on any extended leave, informed of significant industrial and workplace changes.
- Information about any potential effect the changes will have on the job held prior to commencing extended leave in the fifth year must be provided to the employee.
- Employees should make arrangements with Payroll Services for their payslips to be forwarded to them directly during the leave period.

8. Ending the scheme before the leave period

- Withdrawal from the scheme may occur prior to the completion of the qualifying work period at the request of the employee.
- Employees who wish to withdraw from the scheme must, as far as is practicable, provide at least four weeks written notice of seeking to withdraw from the scheme by completing the 'Deferred Salary Scheme Withdrawal form' located under the VPM – Human Resource Management, Practitioner Guides and Resources.
- Employees who applied for the deferred salary scheme via HR Assist will need to withdraw from the scheme through the same method.

- Upon withdrawing from the scheme, employees will receive a lump sum payment equivalent to the amount of salary forgone to that time. Retrospective employee and employer superannuation payments to reflect the increased time fraction will be deducted and paid to the superannuation fund.
- As a consequence, it is recommended that employees seek financial advice on the taxation implications of any lump sum payments prior to withdrawing from the scheme.

8.1 *Recall during the leave period*

- During the leave period, if deemed necessary due to exceptional operational requirements, an employee may be recalled to work (for example, attendance at court). Employees will be recalled to work and paid in accordance with the recall from recreation leave, long service leave or paid parental leave provisions as per the Sworn Agreement. Should it be necessary to recall the employee to work, the leave period will be extended by the same period of time.
- OSTT should be deferred until the employee returns from their leave period.

Family Violence Leave

Victoria Police recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Victoria Police is committed to providing support to employees who are experiencing family violence.

Family violence can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.

Paid leave is available to employees who are experiencing family violence to allow them to be absent from the workplace to attend counselling and medical appointments, legal proceedings and other activities related to, and as a consequence of, family violence including providing care for immediate family or member of their immediate household that may be affected by family violence.

9. Conditions

9.1 *Definition*

Family violence as defined in the *Family Violence Protection Act 2008* is:

- behaviour by a person towards a family member of that person that is physically or sexually abusive; emotionally or psychologically abusive; economically abusive; threatening; coercive; or in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
- behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of behaviour referred to above.

Family member has the same meaning as in the *Family Violence Protection Act* and includes any person who the relevant person regards or regarded as being like a family member if it is or was reasonable to regard the other person as being like a family member having regard to the circumstances of the relationship.

Family violence may involve overt or subtle exploitation of power imbalances and may consist of isolated incidents or patterns of abuse over a period of time.

9.2 *Eligibility*

- Family violence leave is provided to support victims of family violence.
- Leave for absences due to family violence is available to all employees. This is inclusive of LGBTIQ+ people and their families. Victoria Police recognises some of the unique challenges faced by LGBTIQ+ people in family violence situations and the limitation of support avenues available. For a comprehensive coverage of these challenges and avenues for support, please click [here](#).
- VPS casual employees are entitled to 10 days paid family violence leave per calendar year and 10 days unpaid family violence leave per calendar year (non-cumulative). The delegate may use their discretion to grant paid leave under clause 70 of the VPS Agreement on a case by case basis.

9.3 *General measures*

- Victoria Police encourages employees who wish to discuss any personal issues relating to family violence to speak with their manager, BPWRD, Wellbeing Services or their local Family Violence Investigation unit.
- Managers should work sensitively with employees experiencing family violence; providing them with appropriate support. Their safety and welfare is a primary consideration of Victoria Police.
- Personal and/or health information concerning family violence must be kept confidential. No information will be kept on an employee's personnel file without their express written permission. Disclosure of personal and/or health information should be limited so that only those directly involved in managing the situation are informed, and then only on a 'need-to-know' basis. Employees involved in a matter raised under this policy are required to respect the privacy of personal and/or health information and the sensitivity of the matters discussed.
- Upon notification of an employee experiencing family violence, Victoria Police will ensure that the employee is provided with options of immediate support services i.e. Wellbeing Services or union provided wellbeing support services. In most instances, this will be done by the person the employee first discusses their situation with; for example, their manager or BPWRD.
- With the employee consent, their situation may be recorded on safe-t-net after discussion with their manager. Any wellbeing conversations employees have with their manager as part of safe-t-net are confidential and safe-t-net records may only be accessed by an employee's line managers and Wellbeing Services. For further information about safe-t-net refer to the safe-t-net intranet page.
- Employees should ensure that an emergency contact person who is outside their immediate family (and not involved in the family violence) is listed on their personnel records.
- Police members are required to respond to, and take action on, any family violence incident reported to them. See the Family violence leave guide located in the VPM - Practitioner Guides and Resources for further information.
- No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family violence. Recognising that family violence issues may impact on an employee's performance should be taken into consideration as a mitigating factor in any assessment of their performance.

9.4 *Family violence leave*

- In accordance with the Sworn and VPS Agreements special paid leave of up to 20 days per year will be made available to an employee who has experienced family violence to:
 - attend medical appointments, legal proceedings and other activities related to family violence such as seeking safe housing
 - care for their immediate family or member of their household or dependent children that may be affected by family violence.
- Additional paid family violence leave may be granted where appropriate, and should be applied for in accordance with section 10 of this policy.
- Family violence leave is not cumulative and is in addition to existing leave entitlements. It may be taken as consecutive or single days or as a fraction of a day. Other paid leave entitlements (e.g. personal/carer's leave, recreation leave/accrued time off, long service leave, compassionate leave), time in lieu or flexi time may be utilised in conjunction with paid family violence leave.
- Leave granted as paid family violence leave will be granted as Personal Leave with certificate, therefore personnel records will show that the leave taken is personal leave to respect an employee's privacy. The leave may be applied up to 12 months retrospectively or prospectively and:
 - if granted retrospectively, it will replace other leave entitlements taken (which will then result in the re-credit of the other leave to the employee)
 - if granted for future use (prospectively), the employee will be credited Personal Leave with certificate, and may apply for the leave as required through timesheets or HR Assist.
- An employee who supports a person experiencing family violence and is not eligible for Family Violence Leave due to not fitting the definition of an immediate family member, may utilise their personal/carer's leave entitlement to accompany them to court, to hospital, or to care for children. The employer may require evidence consistent with section 9.6 from an employee seeking to utilise their personal/carer's leave entitlement.

9.5 *Alternate leave options*

Employees may continue to utilise other paid leave entitlements for further absences to attend to matters relating to family violence where they have already been granted all applicable paid family violence leave.

Employees may also access further unpaid leave to attend to matters arising from family violence. Any additional unpaid leave taken as a result of family violence should be treated as unpaid family violence leave and should be applied for in accordance with section 10 of this policy and recorded as personal leave without pay.

9.6 *Notification Requirements*

An employee must give their employer notice of their absence from the workplace as soon as practicable, which may be at a time after the leave has commenced. This notice must, where practicable, advise the employer of the period, or expected period, of the leave. In receiving notification of an absence from work due to a family violence situation, managers should provide support to their employees when appropriate to identify and access referrals or other services that may be suitable in the circumstances.

10. Applying

- Prior to applying for family violence leave, the employee is encouraged to discuss their request with their manager.
- To apply for family violence leave, a Family Violence Leave Application Form (found under VPM, Human resource management, Practitioner guides and resources) should be submitted via the employee's manager to BPWRD (WRD-GENERAL-MGR). Managers should ensure that an employee's written application for family violence leave is progressed to BPWRD as soon as possible for consideration by the delegate. The Director, BPWRD is the authorised delegate (Level 1).
- If for any reason the employee is uncomfortable speaking to their manager about their reasons for applying for family violence leave, the employee may seek advice and assistance directly from BPWRD, their local Family Violence unit or the relevant union. In such circumstances, an application may be made directly to BPWRD. With the knowledge and consent of the employee, BPWRD will liaise with the employee's manager on the employee's behalf and will make a recommendation on the most appropriate form of support to provide in accordance with this policy.
- Evidence of absence due to family violence may be required and can be in the form of a document issued by Police, a Court, a registered health practitioner, district nurse, maternal and child health care nurse, a family violence support service, lawyer or a statutory declaration.
- For further advice refer to Family Violence Leave: a guide to assist managers and employees located in the VPM - Practitioner Guides and Resources. Managers should ensure this is provided to employees who are unable to access this due to being absent from work.

11. Individual support

- First and foremost in the process of supporting employees who are, or become victims of family violence, is the application of a victim centric model.
- It is acknowledged however, that reported circumstances of family violence can be extremely varied including circumstances where a person may be both a victim and a respondent. In such exceptional circumstances, an application for family violence leave may be considered by the delegate; who will seek advice from internal stakeholders including Family Violence Command and Professional Standards Command.
- In order to provide support to an employee experiencing family violence and to provide a safe work environment to all employees, the employer may, where practicable, approve any reasonable request from an employee experiencing family violence for flexible working arrangements including (but not limited to):
 - part time employment;
 - temporary or ongoing changes to their span of hours or pattern of hours and/or shift patterns;
 - temporary or ongoing changes to duties, or alternate workplace;
 - a change to their work telephone number or work email address to avoid harassing contact;
 - any other appropriate measure including those available under existing provisions for flexible work arrangements.
- Any such requests for flexible work arrangements due to the employee experiencing family violence, or providing care or support to an employee's immediate family or household experiencing family violence, should be made in writing and outline the reasons for the

request. Such a request must be responded to as a matter of urgency and may only be refused on reasonable business grounds. Where the request cannot be accommodated, alternative options will be considered and provided to support the safety of the victim. The delegate for approval of flexible work arrangements is the Level 2 Delegate, this is usually a Superintendent or VPS equivalent (refer to **VPM Workplace flexibility** for more information on this application process).

- An employee experiencing family violence will be offered access to Wellbeing Services who provide confidential information, support, advice and referral services to Victoria Police and their immediate families. They can be contacted by phone: 1300 090 995; WELLBEINGSERVICESBRANCH@police.vic.gov.au.

Gender Affirmation (Transgender Transitioning) Support Leave

Victoria Police is committed to providing a safe, inclusive and supportive environment for all employees, including all trans and gender diverse employees. Victoria Police recognises that employees who intend to commence or who are currently undergoing gender transition or affirmation require additional support.

Paid leave is available to employees who wish to transition and permanently adopt a gender that is different to their gender at birth. This leave will support the time required to be away from the workplace to complete all or part of the gender affirmation process.

12. Conditions

- An employee (excluding casual employees) undertaking gender affirmation is entitled to four weeks (20 days) paid leave and a further period of up to 52 weeks of unpaid gender affirmation (transitioning) support leave to undertake the process of gender affirmation.
- This includes the physical, legal and social processes involved in transitioning gender.
- An employee may request to take gender affirmation support leave in one or more blocks for a minimum of one hour.
- Gender affirmation support leave does not accrue and cannot be cashed out on termination of employment.
- An employee who is entitled to unpaid gender affirmation support leave may, in lieu of all or part of that leave utilise recreation leave or long service leave, to which they are entitled, provided that the combined total of all leave does not exceed 52 weeks. Recreation leave or long service leave in this case may be taken at either full pay or half pay.
- Casual VPS employees are entitled to access unpaid leave of up to 52 continuous weeks duration for gender affirmation purposes.

13. Applying

- Prior to applying for gender affirmation support leave, the employee is encouraged to discuss their request with their manager so the manager can ensure appropriate support is in place for the employee.
- If for any reason the employee is uncomfortable speaking to their manager about their application for gender affirmation support leave, the employee may seek advice and assistance directly from Police Psychology, Gender Equality and Inclusion Division (GEID), BPWRD or the union. In such circumstances, an application may be made directly to the GEID team via HRC-GEID-MGR@police.vic.gov.au.

- With the knowledge and consent of the employee, GEID may liaise with the employee's management on the employee's behalf and will make a recommendation on the most appropriate form of support to provide in accordance with this policy.
- Employees who wish to take gender affirmation support leave (paid or unpaid), should provide a minimum of four weeks written notice to the work unit manager or GEID, where possible.
- To apply for gender affirmation support leave (paid or unpaid), a written request (for example email or General Report (Form 47)) should be submitted to the employee's manager or GEID who will progress the approval to the delegate. This request should include the intended commencement date and expected period of leave.
- The authorised delegate is the work unit manager (Level 4 delegate) or Director, BPWRD where the employee has applied via GEID.
- Evidence of the reason for absence on gender affirmation support leave should be submitted along with the application, where possible. This may include a medical certificate issued by a registered practitioner, a document issued by a lawyer or a State, Territory or Federal Government organisation or a statutory declaration or other suitable supporting documentation.
- Once the application is approved, the period of leave is recorded by the employee on HR Assist (VPS employees) or Oracle timesheets (police members).

For definitions and guidance for supporting an employee undergoing gender affirmation in the workplace please refer to the **VPM Trans and gender diverse inclusion** and the **Trans and gender diverse inclusion Practice Guide**. GEID can also provide guidance and advice.

Employees who are transitioning or considering transitioning can also access confidential, professional counselling and support services through Victoria Police Wellbeing Services and the Police Association of Victoria.

Personal and/or health information concerning an employee undergoing gender affirmation must be kept confidential and disclosure should be limited so that only those directly involved in managing the situation are informed, and then only on a 'need-to-know' basis.

Infectious and Contagious Diseases Leave

In cases of certain infectious and contagious diseases, Victoria Police may determine an employee's attendance at, and capacity for work. Depending on the circumstances, Victoria Police will:

- aim to protect the public and workplace health and safety associated with risks posed by certain infectious and contagious diseases if and as required
- provide employees with appropriate assistance to safely remain at work or return to work when they have an infectious and contagious disease
- where there is a reasonable belief that an employee is in such a state of health as to render them a danger to any other person in the normal course of their duties, request the employee excuse themselves from the workplace until a clearance is received from the employee's registered medical practitioner or the PMO.

An infectious and contagious disease is any disease (either presumptive or confirmed) classified as a Group A or Group B disease in accordance with the *Public Health & Wellbeing Regulations 2019*.

14. Conditions

Victoria Police may grant an employee leave additional to the employee's personal/carer's leave

entitlements as follows:

- **infectious and contagious diseases leave** – an employee may apply for infectious and contagious diseases leave if:
 - the employee is unable to attend work due to either contracting an infectious and contagious disease, or is being quarantined for an infectious and contagious disease
 - a registered medical practitioner has deemed the disease to be an infectious disease
 - the employee has exhausted their personal/carer's leave entitlements.
- **Specified diseases: Pulmonary Tuberculosis and Poliomyelitis** – if an employee is diagnosed by a registered medical practitioner with:
 - Pulmonary Tuberculosis (Group B) – where recovery is likely, the employee may be granted 12 months leave of absence on full pay in addition to their accrued personal leave. This leave may be conditional on the employee undergoing specific treatment as recommended by a medical practitioner. Further leave may be granted as determined by Victoria Police.
 - Poliomyelitis and associated illness (Group A) – an employee may be granted six months leave of absence on full pay and three months at half-pay, plus a credit of 15 days personal leave when they return to work.
- **Coronavirus Disease (COVID-19)**
 - There may be a number of different reasons an employee is required to be absent from work due to COVID-19. Where an employee's absence from work is related to COVID-19 they will need to refer to the [COVID-19-Absence-Leave-Legend](#) for guidance on what type of leave may be appropriate for their situation, including whether the employee is eligible to access Infectious and Contagious Diseases Leave.

15. Applying

- The employee must provide evidence from their registered medical practitioner that they are suffering from either an infectious and contagious disease, Pulmonary Tuberculosis or Poliomyelitis which also stipulates the expected absence from the workplace.
- The request for leave, along with medical evidence, should be sent to Department Head (Level 1).

15.1 *Authorised delegates and Police Medical Officer's responsibilities*

The authorised delegate is the Department Head (Level 1).

The authorised delegate may contact the PMO for further confidential advice.

15.2 *Privacy and confidentiality*

- Any employee with knowledge of another's infectious disease must be aware that this constitutes health information and is subject to the privacy and confidentiality provisions set out in this guideline. All queries should be directed to the PMO.
- The PMO:
 - maintains the privacy of health information in accordance with relevant legislation; specifically the *Information Privacy and Data Protection Act 2014*
 - provides appropriate advice about the employee's fitness for work, including the provision of safe and appropriate duties and recommendations about referral of the employee in accordance with the provisions of **VPM Redeployment (members)** and **VPM Mobility (members)**

- in liaison with treating health practitioners, assists the employee to remain at work or return to work where possible and not disclose information about the employee's medical condition or diagnosis.
- Notwithstanding instances in which infectious and contagious diseases leave may be applicable, Victoria Police may stand down an employee, where it is reasonable to believe that the employee is in a state of health that may render them a danger to themselves or any other person in the workplace. In such circumstances, the employee will be required to absent themselves from the workplace until such time the employee provides a clearance from a registered medical practitioner or the police medical officer.

Leave without Pay

Victoria Police offers a range of paid leave alternatives. On occasion, these may not meet the needs of the employee. In certain circumstances it may be of mutual benefit for Victoria Police to allow leave without pay.

During any period of leave without pay, employees remain answerable to the Victoria Police discipline process.

Applications for leave without pay may be for a variety of personal or professional reasons, which include but are not limited to the circumstances outlined below.

Leave without pay is referred to as Other Leave (clause 70) in the VPS Agreement.

16. Conditions

16.1 *Personal circumstances*

For the purposes of this policy, 'personal circumstances' includes:

- attending to family circumstances which require care of a dependant, or to accompany a partner who has been transferred to another location.
- undertaking voluntary work, including participation in community and international aid programs.
- undertaking service with the Australian Defence Forces Reserve (see Defence Force Leave section of this policy).
- pursuing personal interests such as travel, study tours, cultural and literary immersion.
- to participate in a state or national sporting event
- cultural or religious purposes where specific leave entitlements are not provided for already
- activities inherently associated with an employee's disability where specific leave entitlements are not provided for
- to take a career break.

Specific provisions for employees taking leave without pay for parental leave purposes or to take part in a rehabilitation program (VPS employees only) are contained in the respective Parental Leave or Rehabilitation Leave for Alcohol and Drug or Problem Gambling sections of this policy.

16.2 *Professional development purposes*

For the purposes of this policy, 'professional development purposes' includes:

- undertaking recruit training for entry into Victoria Police as a police member or PSO, until sworn in, or to undertake the probation period as a VPS employee. At the conclusion of this period of leave without pay, the employee will be required to either return to their previous employment category and position or remain in their new employment category by submitting their resignation.
- undertaking a course of tertiary study or research with an approved education institution, or a joint enterprise where the Federal, State or Territory government is a major partner (see the Study Leave section for further information)
- working in another Government Department, public service, authority, local governing body or teaching service at a Federal, State or Territory level (see section 16.5)
- working in a recognised employee association (must be in accordance with Staff Representative Leave section).

16.3 *Eligibility criteria*

- All employees are eligible to apply for leave without pay. Recruits and any employees during their probation period (including Constables, PSOs and VPS employees) will need to consider the impact leave without pay will have on their workplace learning at that time and the requirement to assess their suitability for continued employment.
- Leave without pay approval for reasons other than parental leave will generally be limited to a once off approval for a maximum of 12 months after a minimum of five years' service. For exceptional circumstances, the employee must apply to the Level 1 delegate for consideration, refer 17.3 below.

16.4 *Occupants of police residences*

Police members who occupy police residences may apply for leave without pay. Due to the impact on service delivery, the employee may be required to vacate the residence if management consider it necessary. Approval will also be contingent upon the employee giving written consent to being moved to another work location without residence when they return to work, this will be the closest practicable location to their previous position.

16.5 *Leave without pay to undertake other employment*

- Where individual employees wish to pursue any temporary employment opportunities outside of Victoria Police, in addition to requesting leave without pay, they must also seek approval for Secondary Employment (see **VPM Conflict of interest**). Failure to do so may constitute misconduct/discipline in the course of employment. This does not apply where the secondment is to another government agency within the VPS.
- Employees who wish to take leave without pay to undertake any temporary employment outside of Victoria Police must first seek approval from the relevant Deputy Commissioner/Secretary (applications must be supported by the relevant Department Head). The relevant Deputy Commissioner/Secretary will consider applications on a case by case basis and only in extraordinary circumstances. If the application is approved, a letter of understanding between the agencies will be required (see section 17.3).

17. Applying

17.1 *When requests are to be submitted*

Applications for leave without pay must provide as much notice as possible prior to the intended leave dates but no less than four weeks.

17.2 *Application form and documents*

- All employees are to request leave without pay using the Leave Without Pay Application form (found under VPM, Human resource management, Practitioner guides and resources) detailing the reasons for the request. Any supporting documentation should be attached and submitted with the request in hard copy to the work unit manager for approval by the authorised delegate. It is the employee's responsibility to ensure that:
 - if they are already on leave without pay and are applying for an extension, that their preferred contact details are up to date and available
 - the supporting documentation contains sufficient information for the authorised delegate to consider the request for leave without pay.
- The work unit manager must ensure that:
 - any supporting documentation contains the minimum amount of information required to aid the decision of the authorised delegate
 - the employee has reasonable time to provide more information if required.
- Once approved, the form and supporting documentation is to be forwarded to the relevant payroll area for processing.

17.3 *Delegate responsibilities*

- The delegate may refuse a request only on reasonable business grounds and will include details for the refusal and any supporting materials used to refuse the request in the written response provided to the employee. This response should be provided to the employee as soon as practicable.
- For periods up to six months, where the general eligibility criteria have been met, approval is required from a Level 3 Delegate.
- For periods between six and 12 months, where the general eligibility criteria have been met, approval is required from a Level 2 Delegate.
- As per section 16.3 of this policy, where the applicant is a Constable, PSO or VPS employee in their probation period, approval is required from a Level 1 Delegate. Applications from Recruits or Probationary Constables should be forwarded to the Assistant Commissioner, People Development Command for comment before being considered by the delegate.
- Where applications are for periods greater than 12 months, or extensions beyond 12 months, for reasons other than parental leave, approval is required from a Level 1 Delegate. Applications must be submitted through the chain of command and contain sufficient information for the Delegate to consider the request.
- For all periods of leave, where the general eligibility criteria have not been met (including Recruits and all employees in their probation period), approval is required from a Level 1 Delegate. Approval will only be granted in exceptional circumstances. Applications must be submitted through the chain of command and contain sufficient

information for the Delegate to consider the request. Before making a decision, the delegate should seek advice from BPWRD.

- Applications from Officers (Inspectors, Superintendents and Commanders) must be approved by a Level 1A Delegate.
- Applications in relation to temporary employment opportunities outside Victoria Police are subject to a separate approval process. Where supported by the Department Head, the applications are to be forwarded to the relevant Deputy Commissioner/Secretary for consideration. Where not supported by the Department Head, as Level 1 Delegates the request can be refused, and written response provided to the employee. This response should be provided to the employee as soon as practicable. There is no requirement to forward to the relevant Deputy Commissioner/Secretary for consideration.

18. Conditions

18.1 *Exhaustion of other leave credits*

Where leave without pay is granted, employees must exhaust all pro-rata recreation leave (including accrued time off) prior to commencing leave without pay. Police members will need to reimburse pre-payment of any kind, including leave loading (if applicable). Upon consideration of the individual circumstances presented in an application, the requirement to exhaust recreation leave may be waived by the authorised delegate.

18.2 *Extension of probation*

Where it was determined that exceptional circumstances warranted approval of leave without pay for a police member subject to probation, this will extend the probation period for not exceeding one year as per section 28 of the *Victoria Police Act 2013*. Any time-in-position requirements will be extended for an equivalent period.

18.3 *Uniform and kit*

Police members must present their uniforms and kit to the authorised delegate for inspection and recording before taking leave without pay. VPS employees must also return their ID pass in accordance with **VPM End of employee service**. This also applies if the employee accepts a temporary pension through ESS Super.

18.4 *Attending training days and recall to duty*

- Victoria Police may direct an employee to attend workplace training after long-term leave to ensure they meet the inherent requirements of the position.
- In exceptional circumstances, such as a declared state of emergency, the authorised delegate may recall an employee on leave without pay to work.

18.5 *Recognition of service*

Unless provided elsewhere leave without pay is not counted as service. However an employee may seek to have the break recognised where the leave without pay has been for the purpose of working for another Government Department, public service, authority, local governing body or teaching service at a Federal, State or Territory level (refer to section 27 of this policy).

18.6 *Superannuation*

- Victoria Police ceases all contributions to superannuation funds when an employee is on leave without pay.
- The employee is solely responsible for seeking advice from their superannuation fund about how leave without pay impacts on their superannuation entitlements.

19. Return to work and extensions

19.1 *Notification*

It is the employee's responsibility to notify the workplace of their intention to either return to work or apply to extend their leave no less than four weeks before their leave is due to end. Failure to apply in a timely manner means the employee must return to work as the authorised delegate will not consider late applications. Failure to return to work constitutes an absence of unapproved without pay leave and may warrant misconduct/discipline.

19.2 *Returning to work early*

Where an employee seeks to return to work earlier than the planned return date, they must give at least three months' notice. In exceptional circumstances, this may be waived by the authorised delegate to enable a prompt return. The employee will return to a position that has the same rank, same remuneration, similar duties and at the closest practicable location to the position they previously held.

20. Unattachment

All employees must occupy a position unless unattached, on secondment to external agencies, on a temporary pension, or on extended leave without pay. Employees should not be unattached from their position where leave without pay is for a period of twelve months or less. Accountability for granting leave without pay requests remains with the approving location.

Long Service Leave

Employees are entitled to long service leave as it aids occupational health and safety, improves work/life balance, and contributes to a productive workplace.

21. Entitlements

21.1 *General entitlements*

- An employee with 10 years continuous service, from the date they commenced employment is entitled to three months long service leave with pay. Employees may access this entitlement, on a pro-rata basis, after an initial seven years of recognised service.
- A further one and a half months of long service leave with pay for each additional period of five years completed service will accrue pro-rata on a daily basis for VPS employees and in accordance with schedule 3, clause 2, *Victoria Police Act 2013* for police members.

21.2 *Calculation of service*

The following table shows whether long service leave is accrued while on a specific type of leave:

Leave	LSL accrues
Commonwealth Parental Leave Scheme	x
Compassionate leave	✓
Defence force leave	✓ (first 52 weeks only)
Deferred salary scheme	✓
Leave without pay (police)	✓ (first 52 weeks only *)
Leave without pay (VPS)	x**
Long service leave	✓
Parental leave with pay	✓
Parental leave without pay	✓ (first 52 weeks only)
Parental leave with and without pay combined (VPS)	✓ (first 52 weeks only)
Personal leave with or without certificate (with pay)	✓
Personal leave without pay and without certificate (police)	✓ (first 52 weeks only)
Personal leave without pay and with certificate (police)	✓ (first 52 weeks only)
Pressing necessity leave	✓
Purchased leave	✓
Recreation leave	✓
Rehabilitation Leave for Drug & Alcohol	✓
Special sick leave	✓
Staff representative leave	✓
Study leave – Paid (full time – must have successfully completed the course)	✓
Study leave – Paid (part-time)	✓
Temporary Pension	✓ (first 52 weeks only)
Workers compensation leave	✓ (first 52 weeks only)

Note: An employee who has been stood down from duty during a period of industrial action continues to accrue long service leave.

* An absence for a continuous period on unpaid leave of more than 52 weeks will not count as service unless provided for under the Victoria Police Regulations or the employer and the employee agree in writing before the leave was taken that the period is taken to be a period of employment (clause 161.2 of the Sworn Agreement).

** An exception to this is that long service leave may accrue where the employee is on absence of leave without pay and Victoria Police has expressly approved that long service leave may accrue (clause 62.5(e) of the VPS Agreement).

21.3 Recognition of prior service

An employee may seek recognition of prior service with an approved body for long service leave purposes (refer to section 27 of this policy).

22. Specific conditions

22.1 Commencement and duration

- Long service leave may commence on any day of the week.
- An employee may request to take long service leave for a minimum of one day.
- Long service leave at half pay can only be taken for absences of one full day or greater. Applications will be considered on a case by case basis and will only be granted where doing so will not unduly affect Victoria Police and the ability to meet service delivery needs.

- An employee can be directed to take long service leave at a specified time and for a specified period when given at least 12 weeks' written notice, as per the *Long Service Leave Act 2018*, section 19.

22.2 Pay while on long service leave

Full pay

- Police members will be paid as if they remained on duty. Where the employee changed their weekly hours during the 104 weeks immediately before starting long service leave, calculation of the weekly hours will be the greater of the average weekly hours calculated in accordance with section 16 of the Long Service Act 2018 or over the entire period of employment immediately before the employee commences long service leave.
- VPS employees who have had any part time service, taken any form of leave without pay and/or purchased leave will have their accruals adjusted accordingly. The rate of payment for long service leave is calculated using the employee's ordinary rate of pay for the period they are on long service leave.

Half pay

- Long service leave may be taken at half pay. An employee will be paid half their ordinary rate of pay for the period they are on long service leave.
- Long service leave at half pay allows a period equal to twice that the period to which the employee would otherwise have been entitled.
- The period of long service leave on half pay is recognised as full time for the accrual of recreation, personal and long service leave credits, if the employee had been performing full time duties before going on leave.

23. Pay in advance

- Pay in advance is available to both police members and VPS employees.
- Where an employee is proceeding on any form of paid leave of more than 10 working days' duration (except workers compensation or personal leave), the employee may apply no later than 21 days prior to the commencement of leave, for payment in advance.

24. Applying

- An employee should submit their application for long service leave three months prior to the proposed leave commencement date.
- Police members are to apply for long service leave on an Application for Long Service Leave [Form 50]. The period of leave is recorded by the member on their Oracle timesheet.
- VPS employees should apply for long service leave using HR Assist.
- For pay in advance, employees must complete Application of Payment of Salary in Advance and submit with their long service leave application. This can be found under the VPM, Human Resource Management, Practitioner Guides and Resources.
- When considering an application for long service leave, the work unit manager (Level 4 Delegate) must take into consideration other employees on long service leave at or about the same time to ensure service delivery needs and rostering requirements are met. For operational members refer to **CCI 08/24 General duties rostering**.

25. Effect of long service leave on other entitlements and conditions

25.1 Allowances

- No overtime, penalty rates, travelling or other shift dependent allowances are included in long service leave calculations.
- Any annual allowance as defined by the relevant enterprise agreement will be paid during a period of long service leave.
- Annual allowances are not halved when long service leave is taken at half pay.
- Higher duties payments will only be made for a period of long service leave where an employee returns to the higher duties position following the long service leave. Where long service leave is taken at half pay, the higher duties payments will be made at half pay.

25.2 Leave

Personal leave while on long service leave

- Where an employee becomes ill during a period of long service leave, or a member of the employee's immediate family suffers an illness or injury, or there is an unexpected emergency affecting a member of the employee's immediate family, their long service leave will be re-credited and replaced with personal leave if a medical certificate is provided. If it is not reasonably practicable to provide a medical certificate, a statutory declaration may be accepted.
- These days may, with the approval of the delegate, be added onto the long service leave period extending the original long service leave period applied for.

Accrued Time Off (ATO)

ATO does not accrue during periods of long service leave.

Public holidays during long service leave

Public holidays are not counted as a day of long service leave and that day will be granted as a day of long service leave in lieu. This will not extend the employee's long service leave period, the public holiday days count towards the employee's long service leave entitlement.

25.3 Secondary employment

- Employees are not permitted to undertake any form of employment during long service leave for the period they would have otherwise worked for Victoria Police. This is an offence under the *Long Service Leave Act 2018*.
- During any period of long service leave, employees remain subject to the discipline process.

26. Pay in lieu of accrued long service leave upon cessation of employment

26.1 Eligibility

- An employee who has a right to accrued long service leave and who has not taken the leave will be paid in lieu of that leave at the end of service.
- An employee may be granted pay in lieu of long service leave in the following circumstances:

- resignation – minimum of seven years' service
 - dismissal – minimum of seven years' service
 - retirement on grounds of age or ill-health – minimum of four years' service
 - death – minimum of four years' service
 - termination with voluntary departure package or targeted separation package (VPS employees only) – minimum of seven years' service.
- In the above circumstances, where the service of an employee includes a period during which the normal hours of duty were less than full time, the pay in lieu must be calculated to reflect an average of the part time service.
 - Outside of these circumstances, employees cannot be paid in lieu of long service leave. It is an offence under the Long Service Leave Act for an employee to cash out long service leave in lieu of an employee taking leave from work.

26.2 *Death of employee*

If an employee who is eligible for long service leave dies before taking their accrued long service leave, payment in lieu of long service leave not taken will be paid to a personal legal representative for the deceased employee.

26.3 *Application*

There is no requirement to make an application for pay in lieu of long service leave upon resignation or retirement. Once Payroll Services has received the completed and approved End of Service Form [Form 39], long service leave entitlements will be paid out with the employee's end of service payment.

27. Recognition of prior service

- Where an employee has previously been employed by another Government Department, public service authority, or local governing body or teaching service at a Federal, State or Territory level, they may apply for recognition of prior service for long service leave purposes.
- Where an employee transfers to Victoria Police from such an organisation, HRC will negotiate transfer of that employee's corresponding long service leave monetary entitlement.
- Employees under the Sworn Agreement can also apply for recognition of prior service for personal leave purposes (see section 43.7 of this policy).

27.1 *Recognised organisations*

- Recognition of previous service for long service leave entitlement purposes aims to:
 - achieve uniformity of status of employment with Victorian public sector and other Crown employment agencies (collectively termed 'approved service'); and
 - define the effect of breaks in such approved service.
- This is based on the principle of general recognition of prior service under the Crown, whether such service is in the public service or with other bodies that provide employment of this nature.
- Service with any organisation on the list of recognised organisations is recognised as if service had been with the VPS, which may or may not equate with periods recognised by the former employer/s regarding leave without pay or breaks in service. Contact BPWRD for more information on recognised organisations.

27.2 *Authorities not recognised*

- If an organisation is not recognised and appears to meet the criteria of being an authority of a State or the Commonwealth, the matter must be referred to BPWRD.
- A decision to approve inclusion on the list of recognised organisations will be based on submission of the legislation (if any) under which the organisation was constituted (copy of that legislation or relevant extracts is required to be submitted) and the relationship between the organisation and the government (if any) for which the organisation was established.

27.3 *Service recognised*

- The VPS Agreement (clause 55.2g) defines recognised prior service as any service immediately prior to the employee's employment with the Employer, where the employee was employed:
 - by a public entity under the *Public Administration Act 2004*
 - under Part 6 of the *Public Administration Act*
 - as a parliamentary officer or electorate officer under the *Parliamentary Administration Act 2005*.
- The *Victoria Police Regulations 2014* define recognised prior service for police members as service with:
 - a Government Department of the Commonwealth or of a State or Territory; or
 - the Australian Defence Force; or
 - the public service of the Commonwealth or of a State or Territory; or
 - the teaching service of the Commonwealth or of a State or Territory; or
 - an authority, whether or not incorporated, that is constituted by or under a law of the Commonwealth or a State or Territory for a public purpose; or
 - a local governing body that is established by or under a law of a State or Territory; or
 - a body set up by legislation primarily and exclusively to achieve a purpose of the Government of the Commonwealth or of a State or Territory and in relation to which the Government of the Commonwealth or of a State or Territory Government has substantial control or influence beyond the usual level of scrutiny of Government funded bodies.
- In addition, Victoria Police has adopted the following parameters for recognising prior service:
 - service with any Commonwealth Defence Force during the Vietnam war
 - any period during which a pension under r.16(1)(b), ESS Superannuation Scheme Regulations 1987 was paid
 - any approved service not exceeding twelve months during which a pension under s.83(3), *State Superannuation Act 1988* was paid
 - when an employee was absent on approved paid leave for the following:
 - recreation leave
 - long service leave on full or half pay
 - leave granted for pressing personal necessity
 - leave granted for pressing personal necessity
 - leave granted for employee to attend Defence Force Reserves (first 52 weeks only)
 - parental leave (with pay and during the first 52 weeks of unpaid parental leave only)

- study leave
 - leave due to death or serious illness of relatives
 - leave due to infectious diseases
 - trade union leave
 - paid personal leave with or without certificate
 - unpaid personal leave with or without certificate (first 52 weeks only).
- any police member who was employed prior to 4 February 1986, may have any period of previous service with Victoria Police recognised for long service leave purposes. This is in accordance with Victoria Police policy prior to 4 February 1986
 - any police member who joined on or since 4 February 1986 must apply to have any previous period of service with Victoria Police recognised for long service purposes
 - for police members, any personal leave without pay and with or without medical certificate is regarded as service for the purpose of long service leave entitlement for the first 52 weeks only
 - leave without pay may be granted to enable participation in a State or national sporting team where the applicant does not meet the criteria for being granted leave with pay. Where such leave is granted, it is recognised as service for all purposes
 - periods of part time employment do not reduce the length of service an employee has been employed but periods of part time employment will affect the rate at which long service leave is paid.

27.4 Service not to be recognised

- Any unpaid leave which extends beyond 52 weeks (police only).
- Any period that an employee was suspended with or without pay or dismissed from service as a result of that employee's actions.

27.5 Breaks in approved service

Where there has been a break in approved service, previous approved service may be recognised in the following circumstances:

- if the break was due to retirement on grounds of ill-health/disability pension
- if the break was of 12 months duration or less except where the break was due to a dismissal
- if the break was greater than 12 months but less than five years and brought about by retrenchment
- if the break was less than two years and due to resignation effected in special circumstances. Resignation through special circumstances may be authorised in the following circumstances:
 - pressing personal or domestic necessity, strain or stress deserving of compassionate consideration
 - changes in an employee's work environment (location/duties) or career direction (study leave) considered to have reasonably required an interruption to the course of approved service

Applications must include full and detailed reasons of the 'special circumstances' involved e.g. doctor's report outlining health issues.

- no cases of breaks in excess of five years will be approved except in the case of returning superannuants
- where service is recognised, a break in service is regarded as continuous service if the break is over a weekend or long weekend.

27.6 *Non-approved service during a break of more than 12 months*

If an employee has engaged in non-approved service during a break of over 12 months caused by resignation, then the prior approved service should not be recognised unless the delegate is satisfied that it is an extraordinary case.

27.7 *Application for recognition of prior service*

- Employees must apply for recognition of prior service to their work unit manager.
- Application can be made via HR Assist (Dashboard Forms, HRA Forms). It is the responsibility of the employee to ensure sufficient evidence of prior service is provided including:
 - name of organisation;
 - previous employee number;
 - details of any leave affecting service (e.g. LWOP);
 - details of any changes to employment type (e.g. full time, part time, casual);
 - statement of service; and
 - copy of certificate of service.
- Applications should be made as soon as possible, preferably within six months of the employee commencing employment with Victoria Police (VPS employees only).
- An employee who has transferred or been promoted to Victoria Police from another Victorian government agency is generally not required to apply for continuation of service. This is a transfer of personnel process. To ensure this happens accordingly, the employee must notify their current Victorian government agency so the appropriate arrangements can be made to transfer their service and accrued leave entitlement to Victoria Police.

27.8 *Approval and verification of recognition of prior service*

- Delegates have authority to approve recognition of prior service (the delegate is Manager, HR Systems).
- BPWRD has responsibility for assessing outside policy applications before submitting for consideration by the Director, BPWRD. BPWRD will examine the details relating to any previous service with the past employer provided through the Recognition of Prior Service form [Form 54].

Other short-term leave

Other types of leave exist for employees in specific circumstances. The purpose of such leave is usually short and temporary, and should have minimal impact on the workplace wherever possible.

28. Conditions

The conditions for specific forms of other leave are provided in the table below.

Conditions	Eligible employees	With or without pay	Authorised delegate
ANZAC Day leave			
Leave as required to participate in an ANZAC Day march/service or similar event for eligible service personnel. An eligible service person means any employee who: - holds or is eligible to hold any of: the Australian Operational Service Medal, or its predecessors, the Australian Active Service Medal or the Australian Service Medal; or the Police Overseas Service Medal; - has served with the Australian Defence Force (ADF), or; - is a current or former ADF Reservist, or; - have similar service from another country of the Commonwealth.	All	With pay	Work unit manager (Level 4)
Eligible service personnel who are granted ANZAC Day leave: - have on-duty status, and accrue ATO for the equivalent period - may wear their uniform during the ANZAC march/service.	Police	With pay	Work unit manager (Level 4)
Blood donors leave			
Leave may be granted as required for volunteer blood donors once every 12 weeks. The employee must substantiate their attendance.	All	With pay	Work unit manager (Level 4)
Critical Incident leave			
Critical incident leave is intended to facilitate welfare requirements and contact with support services. The arrangement may include absence from the workplace and/or removal from rostered operational duties. An employee attending a critical incident, may have access to a flexible rostering arrangement for two shifts immediately following that rostered shift. Employees must discuss their requirements for the two shifts, with the delegate, based on their individual needs and their role at the critical incident. Specific	Police	With pay	Manager (Level 3)

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regarding delegation requirements for COVID-19 absences.			
Military/Overseas Service special sick leave			
- In addition to accrued personal leave, an employee with at least six months continuous paid service, where illness is directly attributable to or is aggravated by service recognised under the <i>Veterans' Entitlement Act 1986</i> (Cwth) are entitled to up to 114 hours leave for each year of service within the Victorian Public Sector/Victoria Police from the conclusion of the employee's operational, peacekeeping or hazardous service, up to a maximum of 760 hours. - The employee must satisfy the same evidentiary requirements as for personal leave. Definitions: Operational Service Relates to veterans who served outside Australia. Refer to section 6D and 6E of the <i>Veterans' Entitlement Act</i> (Cwth). Peacekeeping Service Activities such as observation and monitoring of ceasefire agreements, maintenance of peace and order with the consent of both parties and sanction enforcement come into the category of peacekeeping. Peacekeeping is not the same as peace-enforcement. Hazardous Service Activity that exposes individuals or units to risks above normal peacetime and training duties. Activities such as bomb and mine clearance, aid to a civil power or protected evacuations carry an element of risk above the normal.	All	With pay	Work unit manager (Level 4)
Emergency relief volunteer leave			

Paid leave • Leave as required where an employee is registered with a recognised emergency management body and receives a call out where that emergency management body is the nominated Control Agency in accordance with the Emergency Management Victoria (EMV) Manual. In addition, Victoria Police must not have a Key Support Agency role and there should be no other identified conflict of interest between the employee's duties with Victoria Police and their attendance as a volunteer. • An employee's absence from the role they perform must not be of significant consequence to Victoria Police's management of, or involvement in, the situation or detrimental to the ongoing operational service requirements of Victoria Police. • Wherever possible, work unit managers should allow for a minimum rest break of ten hours before the employee resumes normal duty. • The employee must provide formal verification from the emergency service stating the nature and predicted duration of the emergency activity, and how long their services will likely be needed (including reasonable travel time). • Recognised emergency management bodies include, but are not limited to, the Country Fire Authority, Red Cross, State Emergency Service and St John Ambulance.	All	With pay	Work unit manager (Level 4)
• Leave as required to attain qualifications or to requalify to perform activities with an emergency relief organisation. Priority amongst applicants should be given to registered volunteers. • Where an irreconcilable conflict arises, in a declared emergency Victoria Police always takes precedence.	VPS	With pay	Work unit manager (Level 4)
Introductory OHS training leave			
• Once in any one year (continuous or aggregate), for the elected OHS representative to attend an introductory course approved by WorkSafe so long as the granting of such leave does not unduly affect the operations of Victoria Police. • Attendance at an annual refresher course for each year the employee continues to be the elected OHS representative.	All	With pay	Work unit manager (Level 4)

Jury duty leave			
- Leave as required to appear and serve as a juror under the <i>Juries Act 2000</i>. The employee's request must include a copy of the order to attend and provide evidence of attendance after. - All monies paid to the employee while a juror must be repaid to Victoria Police, less any substantiated expenses incurred as a result. If the amount paid for jury service is greater than the employee's normal salary, they need only repay the equivalent of their normal salary, less substantiated expenses. - VPS employees engaged in law enforcement, criminal investigation, the provision of legal services in criminal cases, the administration of justice or penal administration are ineligible to serve as jurors (as per <i>Juries Act</i>).	VPS	With pay	Work unit manager (Level 4)
Justice of the Peace leave			
Up to five days (continuous or aggregate) annually for an employee who is a state registered Justice of the Peace and required to officiate at a magistrates' court.	VPS	With pay	Work unit manager (Level 4)
Bone Marrow and Organ donation leave			
- Up to six weeks paid leave to undertake and recuperate from an organ donation and one week for bone marrow donation. - The employee must include a medical report/certificate from a registered practitioner as part of their request. The report/certificate must include the reason for the absence, i.e. to undertake a bone marrow donation.	All	With pay	Department Head (Level 1)
Public office leave			
VPM Conflict of interest details conditions regarding appointment to public office. Any request for leave for this purpose will be prioritised. Leave entitlements for police members are: - leave without pay as required for an elected position in local government - up to four hours each week or eight hours each fortnight to be Mayor or Shire President - up to four hours each fortnight or eight hours each month to be a Councillor	Police	Without pay	Work unit manager (Level 4)

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The employee may also utilise flexible working arrangements, in addition to this leave, to help support their representative functions, with the agreement of the work unit manager. First Peoples' Assembly of Victoria leave does not accrue and cannot be cashed out on termination of employment.			
Relocation/transfer leave			
- Up to one day leave for the preparation and packing of personal and household items. - Up to one day leave for unpacking and settling into the new premises.	Police	With pay	Work unit manager (Level 4)
Up to three days either before or after transfer to facilitate relocation and/or inspect the local area.	VPS	With pay	Work unit manager (Level 4)
Special leave for recruits			
Up to 10 days special leave may be granted to recruits, where not otherwise provided for.	Police	With pay	Work unit manager (Level 4)
Sporting events leave			
Paid leave (including travel time) as is determined reasonable having regard to the circumstances, to participate as a competitor in the official Australian team for the: - Olympic and Paralympic Games, and Special Olympics - Commonwealth and Paralympic Games - Pacific Games and Asian Para Games - International Wheelchair and Amputee Sports World Games - Australian and World Transplant Games. Paid leave (including travel time) as is determined reasonable having regard to the circumstances, to participate as a competitor in an official Australian 'first' team at an international level (four nation minimum) provided the employee has demonstrably contributed to the sport for at least 10 years in a supporting capacity, showing regular use of their accrued paid leave to facilitate their contribution.	Police	With pay	Senior Manager (Level 2)
Up to two weeks paid leave (including travel time) to participate as a competitor or an official, in non-professional state, national or international sporting events, including Public Sector Games	VPS	With pay	Senior Manager (Level 2)

and Victoria Police and Emergency Services Games, once every two years. The length of absence from work and travel arrangements for participation in sporting events must be agreed with the work unit manager before leave is granted.			
- Paid leave to support the Victoria Police and Emergency Services Games to attend meetings and to conduct each event. Employees who wish to compete must use their own accrued leave. - Paid leave to support the Australasian Police and Emergency Services Games to attend meetings and final preparations prior to each event. Employees who wish to compete must use their own accrued leave. - Up to one day paid leave (credited retrospectively) to march in the opening ceremony of the Australasian Police and Emergency Services Games. Employees are required to march in their usual work attire. Employees apply to take recreation leave or leave without pay, and the difference will be credited or repaid after their manager confirms attendance and appropriate attire at the ceremony. Note: - On Duty Status for Sporting Events - The approval process for on duty status requests for participation in sporting events (not covered by this section) is listed in VPM On duty status.	Police	With pay With pay With pay	Deputy Commissioner or Department Head (Level 1 or Level 1A)
Leave without pay may be granted to participate in a state or national team event where the applicant does not meet these terms for paid leave.	All	Without pay	See Leave without pay section

28.1 Applying

- Apply for other leave on HR Assist (VPS employees) or record on Oracle timesheets (police members). Submit the application to the authorised delegate through the work unit manager.
- As part of the application, the employee should provide any supporting documentation reasonably necessary for the authorised delegate to verify the request. The authorised delegate may request further information if reasonably required to substantiate the employee's request.
- The work unit manager must verify that any supporting documentation provided contains the minimum amount of information required to make an informed decision, or for the authorised delegate to do so.

28.2 Additional absences

An employee requiring additional leave to that specified above in section 28.1, may utilise

other paid leave entitlements or apply for leave without pay.

Parental leave

Employees with parental responsibilities as either the primary or secondary care giver to dependent children have access to a range of leave and flexible pay arrangements, as do grandparents and employees with pregnancy-related needs including assisted reproductive treatments.

29. Definitions

The following definitions apply to this section:

- **'Child'** in relation to birth related leave, means a child (or children from multiple birth) of the employee or the employee's spouse or the employee's legal surrogate.
- **'Child'** for permanent care, fostering or adoption related leave purposes means a child who is, or will be, under 16 as at the day of placement, or expected day of placement and is not a child of the employee or the employee's spouse. This does not extend to children who are the child or step-child of the employee or their partner, or if the child has lived continuously with the employee for longer than six months.
- **'Spouse'** includes a de facto spouse, former spouse or former de facto spouse. The employee's de facto spouse means a person who lives with the employee as husband, wife or same sex partner on a bone fide domestic basis, whether or not legally married to the employee.
- **'Primary caregiver'** means the person who is the primary carer of a newborn or newly adopted child. The primary carer is the person who meets the child's physical needs more than anyone else. Only one person can be a child's primary carer on a particular day.
- **'Secondary caregiver'** means a person who has parental responsibility for the child but is not the primary caregiver.

30. Conditions

- If the adoption does not proceed or continue, the employee must notify their work unit manager immediately. If the employee has not yet started their leave, there is no entitlement. If the employee has already commenced leave, the work unit manager will nominate a time, not exceeding four weeks from receipt of notification for the employee's return to work.
- Permanent care leave is taken when an employee is granted a permanent care order in relation to custody or guardianship of a child pursuant to the Children, Youth and Families Act 2005 or any successor to this legislation or a permanent parenting order by the Family Court of Australia and the employee will be the primary or secondary caregiver for that child.
- For the purposes of this policy and as per clause 136 of the Sworn Agreement, for police members permanent/foster care placement does not include short term or emergency fostering arrangements. The employee will need to provide written confirmation from either the Department of Health and Human Services or the permanent care/fostering placement agency that they are an approved permanent carer.
- VPS employees are entitled to permanent care leave (clause 55.9) and foster and kinship care leave (clause 57) as set out in the VPS Agreement. Foster and kinship care leave is for employees to provide short term foster or kinship care as the primary caregiver to the child.
- All employees are entitled to a period of up to 52 weeks continuous unpaid grandparent leave taken in respect of the birth of a grandchild of the employee, or the adoption of a grandchild of the employee in order to provide care and assistance to the parent or

grandchild. VPS employees accessing this entitlement must be the Primary Caregiver of the child. This leave can be supplemented with other accrued paid leave entitlements.

- All entitlements in this section are paid at the employee's current rank/level and increment, unless otherwise stated.
- All entitlements in this section accrue and apply pro-rata for part-time employees, unless otherwise stated.
- Any parental leave taken counts as service for employment purposes unless stated otherwise.

30.1 Eligibility

- Employees other than casual employees are eligible for parental leave in accordance with this section.
- Parental leave for VPS fixed-term employees applies until the end of their employment contract.
- Casual VPS employees may take up to 52 weeks unpaid parental leave if employed on a regular and systematic basis and who have a reasonable expectation of continuing paid work with Victoria Police.

31. Leave entitlements

31.1 Prenatal leave entitlements

- An employee who is pregnant is entitled to up to 38 hours paid leave (continuous or aggregate) to attend routine medical appointments associated with the pregnancy. This entitlement is not pro-rated for part-time employees.
- An employee whose partner/former partner is pregnant is entitled up to 7.6 hours (VPS) or 10 hours (police) of paid leave per pregnancy (continuous or aggregate) to facilitate their attendance at routine medical appointments for the pregnancy.
- An employee who is an intended parent under an arrangement not otherwise stated, may access up to 7.6 hours (VPS) or 10 hours (police) (continuous or aggregate) paid leave to attend routine medical appointments associated with the pregnancy.
- An employee must provide a medical certificate from a registered medical practitioner for each absence of prenatal leave.
- Work unit managers should be flexible enough to allow the employee the ability to leave work and return on the same day.

31.2 Pre-adoption leave entitlements

Employees are entitled to:

- Up to two days paid leave to attend interviews or examinations required in order to obtain approval for the adoption. VPS employees must have had more than three months continuous service to access this entitlement.
- Additional unpaid leave may be agreed between the work unit manager and employee. An employee may also use other accrued paid leave entitlements.
- An employee must provide evidence that would satisfy a reasonable person to support each absence for pre-adoption leave.
- Work unit managers should be flexible enough to allow the employee the ability to leave work and return on the same day.

31.3 *Assisted Reproductive Treatment (ART) entitlements*

- An employee who presents a medical certificate stating that they are undergoing treatment for ART is entitled to 35 hours (VPS) or 80 hours (police) paid leave (continuous or aggregate) per year to attend ART appointments associated with their treatment.
- An employee whose partner is undergoing ART and provides a medical certificate stating such, will in addition to any other leave, be entitled to paid leave totalling up to 7.6 hours (VPS) or 20 hours (police) per year (continuous or aggregate) to enable the employee's attendance at ART appointments associated with the treatment.
- Where an employee exhausts their entitlement, they may utilise any form of paid leave (personal leave, recreation leave, accrued time off) to attend any further ART appointments with a registered medical practitioner.
- An employee's work area should be flexible enough to allow employees, who take ART leave, the ability to leave work and return on the same day.
- An employee must provide a medical certificate from a registered medical practitioner for each absence on ART leave.
- An employee undergoing ART may request alternative duties or vary the employee's pattern of hours for the treatment period and the employer must give genuine consideration to the request.
- An employee may elect to take personal leave to attend ART appointments where they wish to keep their treatments confidential. The employee can subsequently apply to BPWRD to have their personal leave re-credited and replaced with ART leave.

31.4 *Personal illness during pregnancy*

- An employee who is suffering from an illness that is not related to their pregnancy, may take any paid personal leave to which they are entitled.
- An employee may be transferred to a safe job where their Registered Medical Practitioner has deemed them fit for work, but it is inadvisable for the employee to continue with their current duties due to illness, risks arising from their pregnancy or hazards connected with the work. If a transfer to an appropriate safe job is not reasonably practicable, the employee may elect, or the employer may require the employee to take no safe job leave for such a period as a registered medical practitioner certifies as necessary. Refer to **VPM Workplace flexibility** – Pregnancy in the Workplace section.
- The entitlement to no safe job is in addition to any other paid leave entitlement the employee has under the Agreement.
- In the event that an employee is required to cease work due to an illness unrelated to the pregnancy but has exhausted their personal leave entitlements, the employee may elect to commence unpaid parental leave. In such circumstances, employees cannot access unpaid parental leave earlier than 14 weeks prior to the expected date of birth.

31.5 *Parental leave – Primary caregiver entitlements*

- Parental leave for primary caregivers is taken in connection with the birth of a child, at the time of adoption or at the time of permanent/foster placement of a child. In relation to the birth of a child, or becoming a parent under any other parenting

arrangement, leave may start at any time within 16 weeks prior to the expected date of birth, but no later than the date of birth. If the birth occurs earlier, leave starts automatically.

- An employee intending to work during the six-week period before the expected date of birth, may be required to provide a medical certificate from a registered medical practitioner stating they are fit to continue to perform their current duties. If an employee does not provide a medical certificate within seven days of being requested or, within seven days after such request submits a medical certificate confirming they are unfit to work, the delegate may require the employee to commence parental leave.
- In all other cases, parental leave for primary caregivers commences on the day of birth or placement of the child.
- While an employee's eligibility for parental leave is determined at the time of birth or adoption of the child, the employee and work unit manager may agree to the employee using their paid leave entitlements at any time within the first 52 weeks of parental leave or where an extension is granted (see section 34 of this policy), within the first 78 weeks where additional paid secondary caregivers leave is used or otherwise in the first 104 weeks.
- Parental leave does not need to be taken in a single continuous period, agreement can be reached on the duration of each block of parental leave subject to operational requirements and the employee's personal and family circumstances.

The following table provides an overview of the leave entitlements and other relevant terms for a Primary Caregiver:

Primary Caregiver	Paid leave	Unpaid leave	Total
More than three months continuous service			
Birth or adoption	16 weeks	Up to 36 weeks	52 weeks
Permanent/foster care placement (police members)	16 weeks	Up to 36 weeks	52 weeks
Other parenting leave	14 weeks (VPS) or 16 weeks (police)	Up to 38 weeks (VPS) or up to 36 weeks (police)	52 weeks
Eligible casual (VPS)	0 weeks	Up to 52 weeks	52 weeks
Less than three months continuous service			
Birth or adoption	0 weeks (VPS) or 4 weeks (police)	Up to 52 weeks (VPS) up to 48 weeks (police)	52 weeks
Permanent/foster care placement (police members)	4 weeks	Up to 48 weeks	52 weeks
Other parenting leave (police members)	4 weeks	Up to 48 weeks	52 weeks
• In order to access grandparent leave, a VPS employee must also be the primary caregiver of a grandchild. • Leave may be taken at half-pay for a period equal to twice the period to which the employee would otherwise be entitled. There is also a right to request an extension (see section 34 of this policy). • Unpaid leave may be supplemented with accrued recreation or long service leave. This may be taken at half-pay.			

- For VPS employees the calculation of weekly pay for paid parental leave purposes will be based on the average number of ordinary hours worked by the employee over the past three years from the proposed commencement date of parental leave. Where an employee has less than three years of service, the averaging period will be their total period of service in the VPS. The calculation will exclude periods of unpaid parental leave or time worked at a reduced time fraction on returning to work after a period of parental leave.
- For police members the calculation of weekly pay for paid parental leave purposes will be based on the pay the employee is entitled to receive on the day which the employee starts paid parental leave or the average number of ordinary hours worked by the employee over the past three years, whichever is greater. The calculation of the average number of ordinary hours worked by the employee will exclude periods of unpaid parental leave, authorised unpaid leave taken for unforeseen reasons beyond the employee's control and work at a reduced time fraction after returning to work after a period of parental leave.
- An employee who reduces the time fraction they work, to better cope during pregnancy, will not have their subsequent paid parental leave reduced accordingly.

31.6 *Parental leave – secondary caregiver entitlements*

- Secondary caregiver leave is taken in connection with the birth of a child or becoming a parent under any other parenting arrangement, at the time of adoption or at the time of permanent/foster placement of a child. Leave may be commenced one week prior to the expected date of birth or within a reasonable period from the birth as agreed with the work unit manager.
- Leave can be taken at any time between one week prior to the birth and 51 weeks after the birth and does not need to be taken as a single continuous period.

The following table provides an overview of the parental leave entitlements and other relevant terms for a Secondary Caregiver:

Secondary Caregiver	Paid leave	Unpaid leave	Total
VPS employees (more than three months continuous service) and police members	4 weeks	Up to 48 weeks	52 weeks
Employees with more than three months continuous service and who take over the primary responsibility for care of the child within the first 78 weeks	An additional 12 weeks/60 days	Up to 36 weeks	52 weeks
Eligible casual and employees with less than three months continuous service (VPS)	0 weeks	Up to 52 weeks	52 weeks
Permanent/foster care placement (police only)	4 weeks	up to 48 weeks	52 weeks
Other parenting leave (police only)	4 weeks	Up to 48 weeks	52 weeks
• Leave may be taken at half-pay. Recreation and long service leave accrues at full-pay. • There is a right to request an extension (see section 34 of this policy). • Unpaid parental leave may be supplemented with accrued recreation or long service leave. This may be taken at half-pay. • For VPS employees the calculation of weekly pay for paid parental leave purposes will be based on the average number of ordinary hours worked by the employee over the past three years. The calculation will exclude periods of unpaid parental leave, authorised unpaid leave taken for unforeseen reasons beyond the employee's control and time worked at a reduced time fraction on returning to work after a period of parental leave.			

- For police members the calculation of weekly pay for paid parental leave purposes will be based on the pay the employee is entitled to receive on the day which the employee starts paid parental leave or the average number of ordinary hours worked by the employee over the past three years, whichever is greater. The calculation of the average number of ordinary hours worked by the employee will exclude periods of unpaid parental leave, authorised unpaid leave taken for unforeseen reasons beyond the employee's control and work at a reduced time fraction after returning from a period of parental leave.
- The additional paid leave for Secondary Caregivers applies where the employee (Secondary Caregiver) assumes primary responsibility for the care of the child, meeting the child's physical needs more than anyone else on that given day and where the employee's spouse is not concurrently taking primary responsibility for the care of the child or receiving paid parental leave, primary caregiver entitlements or a similar entitlements from their employer. To access this additional leave entitlement, the employee must have been eligible for Secondary Caregiver leave at the time of birth or adoption of the child, irrespective of when the employee elects to take the paid leave. The employee is required to submit a statutory declaration to that effect, see section 37.2 of this policy.
- The 12 week (or 60 days) additional paid leave for Secondary Caregivers can be taken flexibly and is not required to be taken in a single continuous period. However, must be taken within 78 weeks of the birth or adoption of the child.

31.7 *Special parental leave*

- Where an employee is not fit for work because of pregnancy-related illness the employee is entitled to take paid personal leave, unpaid special parental leave or may reduce their ordinary hours of work as certified necessary by a registered medical practitioner.
- Where the pregnancy of an employee, not then on parental leave, terminates other than by the employee giving birth of a living child, the employee may take leave for such periods as a registered health practitioner certifies as necessary as follows:
 - where the pregnancy terminates during the first 12 weeks, the employee is entitled to take paid compassionate leave, paid personal leave and further unpaid parental leave as required; or
 - where the pregnancy terminates after the completion of 12 weeks, the employee will be entitled to paid leave not exceeding the amount of paid parental leave the member is eligible for and further unpaid special parental leave as required.
- This parental leave does not need to be continuous; for example, where a baby is hospitalised, the parent may wish to return to work for a period of time before resuming their parental leave.

31.8 *Surrogacy Leave (VPS employees only)*

- The VPS Agreement provides additional entitlements for arrangements other than primary or secondary caregiver, for employees covered by that Agreement.
- Where an employee, has completed at least three months paid continuous service, and enters into a formal surrogacy arrangement on or after 1 July 2020 as a surrogate, they are entitled to prenatal leave (as per section 31.1 of this policy) and six weeks of paid surrogacy leave.
- The other provisions outlined in this section that apply for pregnant employees, also apply to employees acting as a legal surrogate. These are also outlined in clause 56 of the VPS Agreement.

31.9 *Permanent Care/Fostering Leave*

- A VPS employee who is granted a permanent care order in relation to the custody or guardianship of a child pursuant to the *Children, Youth and Families Act* or a permanent parenting order by the Family Court of Australia and will be the primary or secondary caregiver for that child is entitled to permanent care leave as follows:
 - employees with more than 3 months paid continuous service will be entitled to 16 weeks paid leave, and up to 36 weeks unpaid leave totalling 52 weeks
 - employees with less than 3 months paid continuous paid service will not be entitled to any paid leave. They are entitled to 52 weeks unpaid leave.
- A police member who is approved as a permanent/foster carer for a child and is the primary caregiver for that child is entitled to permanent care leave as follows:
 - employees with more than 31 weeks paid continuous service will be entitled to 16 weeks paid leave, up to 36 weeks unpaid leave totalling 52 weeks leave
 - employees with less than 31 weeks paid continuous service will be entitled to 4 weeks paid leave and up to 48 weeks unpaid leave totalling 52 weeks leave.
- A police member who is approved as a permanent/foster carer for a child and is the secondary caregiver for that child is entitled to 4 weeks paid leave and up to 48 weeks unpaid leave totalling 52 weeks leave.
- A police member must provide written confirmation from either the Department of Health and Human Services or the permanent care/fostering placement agency that they are an approved permanent carer. This entitlement does not include short term or emergency fostering arrangements.

31.10 *Foster and Kinship Care Leave (VPS employees only)*

- An employee who provides short term foster or kinship care as the primary caregiver to a child who cannot live with their parents as a result of an eligible child protection intervention is entitled to up to two days paid leave on up to five occasions per calendar year to be taken at the time the placement of the child with the employee commences. This leave cannot be taken continuously and can only be taken in two-day periods.
- Foster and Kinship care includes:
 - Foster caring, which is the temporary care of a child up to 18 years of age on a short-term basis by an employee who is an accredited foster carer.
 - Kinship Care, which is the temporary care provided by an employee who is a relative or member of the child's social network when the child cannot live with their parents.
 - Aboriginal Kinship Care, which is the temporary care provided by an employee who is a relative or friend of an Aboriginal child who cannot live with their parents, where Aboriginal family and community and Aboriginal culture are valued as central to the child's safety, stability and development.
- Eligible child protection interventions include emergency respite and short term or long-term placements on a non-permanent basis, as issued by the Victorian Department of Health and Human Services, the Children's Court or other similar federal, state or judicial authority.
- Paid Foster and Kinship Care leave is a separate entitlement and may be used in conjunction with other paid or unpaid leave entitlements.

- Foster carers may use one occasion, totalling up to two days in duration for accreditation purposes, including attending compulsory interviews or training.
- Employees may be required to provide reasonable evidence to satisfy any Foster and Kinship Care leave taken.

31.11 *Other parental leave (police members only)*

- The Sworn Agreement provides additional entitlements for arrangements other than primary or secondary caregiver, for employees covered by that Agreement. These entitlements are summarised in the table below.
- Maternity leave applies where an employee is pregnant but does not intend to become either the primary or secondary caregiver of the child (e.g. surrogacy).
- Partner leave applies where an employee other than a secondary caregiver has a spouse who is pregnant.
- Other parenting leave applies where an employee becomes a primary caregiver under any other parenting arrangement.

Additional entitlements for police members	Paid leave	Unpaid leave	Total
Paid Maternity leave			
More than 31 weeks continuous service	14 weeks	Up to 38 weeks	52 weeks
Less than 31 weeks continuous service	4 weeks	Up to 48 weeks	52 weeks
• Must be taken in a single continuous period and in connection with the birth of the child. • If the employee becomes the primary caregiver of the child, then the period of primary caregiver leave will be reduced by the period of paid maternity leave already taken. • An employee intending to work during the six-week period before the expected date of birth, must provide a medical certificate from a registered medical practitioner stating they are fit to continue to perform their current duties. If an employee does not provide a medical certificate within seven days of being requested or, within seven days after such request submits a medical certificate confirming they are unfit to work, the delegate may require the employee to commence maternity leave. • May be taken at half-pay. Recreation and long service leave accrues at full-pay. • There is a right to request an extension (see section 34 of this policy). • Unpaid parental leave may be supplemented with accrued recreation or long service leave. This may be taken at half-pay. • The calculation of weekly pay for paid parental leave purposes will be based on the pay the employee is entitled to receive on the day which the employee starts paid parental leave or the average number of ordinary hours worked by the employee over the past three years, whichever is greater. The calculation of the average number of ordinary hours worked by the employee will exclude periods of unpaid parental leave.			
Paid Partner leave	4 weeks	Up to 48 weeks	52 weeks

- Leave can be taken at any time between one week prior to the birth and 51 weeks after the birth and does not need to be taken as a single continuous period.
- If an employee's partner's pregnancy terminates other than by the birth of a living child beyond 12 weeks, they are entitled to the paid partner leave.
- May be taken at half-pay. Recreation and long service leave accrues at full-pay.
- There is a right to request an extension (see section 34 of this policy).
- Unpaid parental leave may be supplemented with accrued recreation or long service leave. This may be taken at half-pay.
- The calculation of weekly pay for paid parental leave purposes will be based on the pay the employee is entitled to receive on the day which the employee starts paid parental leave or the average number of ordinary hours worked by the employee over the past three years, whichever is greater. The calculation of the average number of ordinary hours worked by the employee will exclude periods of unpaid parental leave.

31.12 *Grandparents Leave*

- All employees are entitled to up to 52 weeks continuous unpaid grandparent leave to be taken in respect of the birth or adoption of the grandchild of the employee, for the purpose of providing care and assistance to the parent or grandchild.
- VPS employees accessing this entitlement must be the Primary Caregiver of the child.
- This leave can be supplemented with other accrued paid leave entitlements.

32. Concurrent parental leave

- An employee couple is entitled to a combined total of 52 weeks parental leave on a shared basis in relation to the birth, adoption of a child or other parenting or permanent care arrangement.
- Parental leave may only be taken by one parent at a time (i.e. both parents cannot be one primary caregivers leave at the same time). However, parents can take up to eight weeks' parental leave (paid and/or unpaid depending on employee entitlement) at the same time, i.e. one parent on primary caregivers leave and on parent on secondary caregivers leave.
- Concurrent leave can start:
 - one week prior to the expected date of birth; or
 - at the time of placement of the child; or
 - earlier by agreement with Victoria Police.
- Concurrent leave does not have to be taken in one eight-week period. It can be taken in separate periods, but each block of concurrent leave must not be less than two weeks, unless Victoria Police otherwise agrees.

33. Varying parental leave (initial 52 week period)

- An employee who is on an initial period of parental leave of less than 52 weeks may extend the period of their parental leave on one occasion up to the full 52 week entitlement.
- The employee must lodge their request in writing at the earliest opportunity, but at least four weeks before the end date of the original parental leave period. The request must specify the new end date of parental leave. The work unit manager must respond prior to the scheduled return to work date, and all correspondence must be retained on the employee's personnel file.

34. Right to request extension (second 52 week period)

- Employees entitled to parental leave may apply for an extension of the parental leave up to an additional 52 weeks unpaid, with no requirement to exhaust accrued leave prior. In the case of an employee couple, the period of the extension is reduced by any period of concurrent parental leave taken by the other half of the employee couple.
- The employee must lodge their request to extend their period of parental leave in writing at least four weeks before the end date of the original parental leave period. In the case of an employee couple the request must specify any parental leave that the employee's partner will have taken and the new end date of parent leave.
- Work unit managers must consider the employee's personal circumstances and may only refuse a variation or extension to parental leave where there are reasonable grounds related to the effect on the workplace or the employer's operations. The work unit manager must not refuse the request unless they have given the employee reasonable opportunity to discuss the request.
- The work unit manager must provide a written response to the employee's request as soon as practicable, and within 21 days of the request being made and include the details of the reason for any refusal.

35. Extended family leave (VPS employees only)

- An employee, who is the Primary Caregiver and has exhausted all parental leave entitlements, may request unpaid extended family leave for up to seven years absence in total (inclusive of parental leave).
- An employee must apply annually at least four weeks prior to the conclusion of the current period of approved leave (see Leave without Pay section).
- Employees will be unattached from their substantive position and subject to any re-training requirements upon their return to work.

36. Position maintenance

During the initial 52 week period of parental leave, the employee is entitled to return to the position they held prior. If the employee was transferred to a safe job in accordance with **VPM Workplace flexibility**, pregnancy in the workplace section, the employee is entitled to return to the position held immediately before their transfer.

36.1 *Police members*

An employee, whose period of parental leave is longer than 52 weeks, may be unattached. However unless they have applied for and been successful in gaining a transfer or promotion they are entitled to return to a position of the same rank, same remuneration, similar duties and at the closest practicable location that they held prior to commencing parental leave or being transferred to a safe job.

36.2 *VPS employees*

If parental leave is extended by 52 weeks, the employee is entitled to return to the position they held prior to commencing parental leave. If a further application to access extended family leave beyond the initial two year parental leave period is submitted and approved, the employee may be unattached from their position.

37. Applying

37.1 Overview

- To apply for parental leave, employees must submit their application on HR Assist (VPS employees, Executive police members, Commanders and Superintendents) or Oracle (all other police members and PSOs) including any recreation or long service leave to be taken in lieu of unpaid leave. The work unit manager is the authorised delegate for all types of parental leave (Level 4). Prior to making an application employees are encouraged to discuss their options with Payroll Services.
- In addition, police and PSO employees must also complete the Alternative Duties form on HR Assist to commence the parental leave backfilling process.
- Depending on the type of leave requested, the employee may be required to provide further documentation to the authorised delegate. For instance, the authorised delegate may request a statement from an adoption agency confirming the expected placement date.

37.2 Specific requirements

The following are additional requirements when applying for parental leave as a Primary/Secondary Caregiver:

- an employee is required to provide their work unit manager with at least 10 weeks' notice of the intention to take parental leave, including the proposed start and end dates and the expected date of birth of the child, and must be supported by a medical certificate confirming this. At this time employees must also supply a statutory declaration stating:
 - that the employee will become either the Primary Caregiver or Secondary Caregiver of the child and as appropriate
 - the particulars of any parental leave taken or proposed to be taken or applied for by the employee's spouse.
- at least four weeks' before the intended commencement of parental leave, the employee must confirm in writing the intended start and end date of the parental leave, including any recreation or long service leave in lieu of unpaid parental leave and whether the leave will be taken at half pay.

Note:

- Only one parent can receive Primary Caregiver leave entitlements in relation to the birth or adoption of their child. An employee cannot receive Primary Caregiver parental leave entitlements where:
 - their spouse is, or will be, the Primary Caregiver at the time of the birth or adoption of their child; or
 - their spouse has received, or will receive, paid parental leave as the primary caregiver, other primary caregiver entitlements, or similar entitlements, from their employer; or
 - the employee has received, or will receive, Secondary Caregiver parental leave entitlements in relation to their child (this applies to VPS employees only).
- Only one parent can receive Secondary Caregiver parental leave entitlements in relation to the birth or adoption of their child. An employee cannot receive Secondary Caregiver parental leave entitlements where the employee has received Primary Caregivers entitlements already (VPS employees only).

- A police member may take a combination of different types of paid parental leave provided that the paid leave does not exceed 16 weeks.
- A police member can transfer the remaining primary caregiver entitlements to the initial secondary caregiver as long as the total amount of paid leave is 16 weeks or less.

For adoption purposes:

- Before the leave starts, an employee is required to provide a statement from an adoption agency confirming the expected placement date as well as a statutory declaration stating:
 - the child is an eligible child
 - if the employee has taken or intends to take any other leave in relation to the placement of the child
 - whether the employee is the primary carer or will become the primary carer of the child
 - whether the employee's spouse is seeking or has taken any authorised leave of the same type as adoption leave, or intends to because of the placement of the child.
- Leave may commence on the day of the placement of the child.

38. Communication during parental leave

38.1 *Work unit managers' responsibilities*

- In consultation with their work unit manager, an employee will be required to complete the 'Workplace Support Plan: Pregnancy, Keep in Touch, and Return to Work from Parental Leave' form located on the intranet in the VPM Practitioner Guides and Resources along with **VPM Workplace flexibility**. The plan is intended to support employees and their managers through the parental leave cycle including communication during leave.
- When the employee advises of changes to their contact details, the work unit manager must inform their local HR practitioner.
- Work unit managers must take all reasonable steps to inform the employee of, and to provide them with, the opportunity to discuss the effects of significant changes that are introduced in the workplace that may affect the status, pay, location or responsibility level of the position the employee held before parental leave.

38.2 *Employees' responsibilities*

- The employee must notify their work unit manager of any changes to their contact details.
- The employee will take reasonable steps to inform the employer about any significant matter that will affect the employee's decision regarding the duration of parental leave to be taken, whether the employee intends to return to work and whether the employee intends to request to return on a part time basis.

38.3 *Keeping in touch days*

- In accordance with section 79A of the *Fair Work Act*, by mutual agreement, an employee on parental leave can return to work for up to 10 'keeping in touch' (KIT) days (continuous or aggregate) without ending the parental leave period. This is

intended to enable employees on parental leave to prepare and equip themselves to make the transition back into the workplace easier. The employee receives their normal pay for the time worked, but the total period of parental leave is not extended, beyond the 52 week period.

- KIT days can be taken during a period of paid or unpaid parental leave.
- KIT days can include; attending a meeting, attending training connected to the employee's role or doing work to become familiar with the workplace or the employee's role before returning from parental leave.
- Employees cannot access a KIT day within the first two weeks after the birth or adoption. Victoria Police cannot ask an employee to participate in a KIT day within the first six weeks after the birth or adoption.
- If the employee requests and is granted a further 12 continuous months unpaid parental leave they are also eligible for a further 10 KIT days during that second 12 month period.
- Refer to the Victoria Police Manual Practitioner Guide and Resources – Pregnancy in the Workplace and Return to Work after Parental Leave Guide for further information.

39. Recall to duty from parental leave

Where an employee is recalled to work by direction from a period of approved parental leave, they will be paid in accordance with the relevant enterprise agreement.

40. Superannuation

Superannuation contributions will be made for the first 52 weeks of paid and unpaid primary caregivers parental leave.

41. Return to work

41.1 *Return to work early*

- During the period of parental leave, an employee may return to work at any time as agreed with their work unit manager, employees must give at least four weeks written notice of an earlier return to work prior to the desired recommencement date.
- In the case of adoption, where the placement of the child with the employee does not proceed or continue, the employee will notify their work unit manager immediately and the manager will nominate a time not exceeding four weeks from being notified of the employee's return to work.

41.2 *Return to work at the conclusion of parental leave*

- Employees must give at least four weeks written notice of their return to work prior to the expiration of their period of parental leave.
- To assist a police in reconciling work and parental responsibilities, they will be entitled to choose the number of days they will work, which days of the week they will work and which shifts they will work (in line with typically rostered shifts at their workplace) for the first six weeks post return to work.
- Unless the employee has applied for and has been successful in gaining a transfer or promotion, an employee returning to work after a period of parental leave (not exceeding 52 weeks for police, 104 weeks for VPS), will return to the position which

they held immediately before commencing parental leave. Where the employee was transferred to a safe job, the employee will return to the position held immediately before the transfer.

- Unless the employee has applied for and has been successful in gaining a transfer or promotion and where the period of parental leave exceeds 52 weeks for police or 104 weeks for VPS, the employee will be entitled to return to a position that has the same rank, same remuneration, similar duties and at the closest practicable location as they held prior to commencing on parental leave or being transferred to a safe job.
- Where such position no longer exists but there are other positions available which the employee is qualified for and is capable of performing, the employee will be entitled to a position which is nearest in status and remuneration to that of their former position. The process of identifying a suitable position will occur through redeployment.
- Work unit managers will organise any training required to be completed upon an employee's return to work.
- VPS employees are entitled to advance two progression steps or amounts or be paid two top of grade or value range payments in accordance with the circumstances outlined in clause 29.7(a) of the VPS Agreement as the employee's absence from work on parental leave for part of a relevant performance cycle must not disadvantage the employee. Note this only applies to absences on primary caregivers leave not exceeding 52 weeks.

41.3 *Requesting part time work*

To help reconcile work and parental responsibilities, an employee may request to return to work from parental leave on a part-time basis. When the circumstances permit, applications must be submitted to the employer at least seven weeks prior to the proposed commencement date of the part time arrangement. Requests in these circumstances can only be refused on reasonable business grounds and a response must be provided within 21 days of the request being made. For further information refer to **VPM Workplace flexibility**.

41.4 *Subsequent parental leave periods*

An employee who wishes to take a second period of primary caregiver parental leave directly following the first period of primary caregiver parental leave may do so without being required to return to work.

42. Commonwealth Paid Parental Leave Scheme

- The Paid Parental Leave (PPL) Scheme allows parents to receive Commonwealth funded payment at minimum wage up to 22 weeks. Effective 1 July 2023, PPL and Dad and Partner Pay have been combined into one payment of up to 120 days or 22 weeks.
- The birth mother, or first adoptive parent to claim, must give approval to share any PPL days with the other parent. They can work before or after any periods of PPL. They can use it on days they're not working, including weekdays, weekends, holiday or anytime they're on leave from work.
- PPL payments are taxable and separate to any paid or unpaid parental leave entitlements an employee of Victoria Police might also receive.

42.1 *General eligibility and conditions*

- Services Australia determine eligibility for the scheme, including income limits.
- Employees choose when they receive the payment. The payments can be made following their other paid leave, or at the same time if the employee prefers. However if the employee starts parental leave with Victoria Police before the child's birth or adoption, the Commonwealth PPL payments cannot start until the date of birth or adoption.
- Parents can share these days and take up to 10 days at the same time. These are available as part of the maximum 22 weeks of PPL available to families. They can get PPL as any of the following:
 - a single block
 - multiple smaller blocks
 - single days
 - a combination of smaller blocks and single days.
- Victoria Police will provide PPL to an eligible employee who meets all the following:
 - has a newborn or recently adopted child
 - has been employed for at least 12 months before the expected date of birth or adoption
 - provide between 8 and 22 weeks of PPL within one year of the child's birth or adoption
 - will continue their employment with Victoria Police until at least the last day of the block of PPL
 - lives in Australia
- Employees can still get PPL if they work for an allowable reason, including:
 - in the case of stillbirth or infant death
 - if their child needs to remain in hospital straight after birth and they go back to work 14 days or more after their birth
- The PPL Scheme is considered to be leave without pay if not taken concurrently with other paid parental leave entitlements provided by Victoria Police. Employees are not required to exhaust accrued leave entitlements in order to access PPL.
- Employees should seek advice from their superannuation fund regarding the impact PPL entitlements may have on their superannuation.
- Employees are required to notify Services Australia and Victoria Police of any change in their circumstances that may affect eligibility for the PPL payment.
- Victoria Police is required to keep written financial records of when it receives an employee's payment from Services Australia and transfer the payment to them in the pay cycle, and record this on their payslip. Victoria Police must notify Services Australia if and when:
 - the employee returns to work
 - the employee ceases employment with Victoria Police
 - Victoria Police changes the employee's pay cycle
 - Victoria Police receives an incorrect PPL payment from Services Australia, or if Victoria Police cannot transfer the payment to the employee for any reason.

42.2 *Obtaining further advice*

Employees are encouraged to seek further advice from Services Australia about the

availability of other support payments and financial advice regarding personal tax implications of the PPL payment. Victoria Police will withhold tax from the payment under the usual PAYG withholding arrangements and Services Australia will recover any overpayment. The employee should contact Services Australia directly if concerned about the risk of overpayment at any time.

42.3 Applying

- To apply for the PPL payment, employees must apply directly to Centrelink who will assess and determine an employee's eligibility for payments under the PPL scheme. Full details of the PPL scheme and application process can be found on the Services Australia website – [Parental Leave Pay - Services Australia](#).
- An employee's application should be submitted to Services Australia up to three months before the expected birth or adoption to allow adequate time for the application to be assessed, and if eligible, processed accordingly. Amongst other personal details, Services Australia will need employment details such as work history and the Victoria Police ABN. Contact your local HR practitioner for this information.

Personal and Carers Leave

Employees who are unable to attend work may take paid personal/carers leave if the leave is taken:

- because the 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, or an assistance animal (VPS employees only) who requires care or support because of:
 - a personal illness, or personal injury; or
 - an unexpected emergency.
- to attend a medical appointment with a registered practitioner (where this cannot reasonably be scheduled outside the employee's working hours)
- to access 'capacity building' services in order to enhance independence. This applies to employees with disability only.

A capacity building service refers to any service that is provided to a person with disability that will assist that person to be more independent and to participate in any part of life they choose.

43. Conditions

43.1 General entitlements

- Employees are entitled to up to 15 days (114 hours or equivalent pro-rata), paid personal leave, except recruits who receive 5.85 hours per completed four week period or part thereof of the initial training period.
- Police members upon completion of the initial training period will be entitled to 228 hours of personal/carers leave granted in advance and applies to the employee's first 2 years of service after completion of the initial training period.
- For VPS employees payment of personal leave will be for the ordinary hourly rate of pay the employee would have received had they been at work i.e. if a part time employee works less than 7.6 hours they will be paid for the hours they would have been paid had they worked.

- Subject to the documentary requirements outlined below, employees may apply to take accrued personal leave with or without a medical certificate or a statutory declaration as outlined below and subject to the standards for supporting documentation at (see section 44.2 of this policy).

Personal leave – illness/capacity building support	Each year	Authorised delegate
With medical certificate/report from capacity building support worker or agency	Up to personal leave credits (except where a police member has been on personal leave for 52 weeks. Where a police member has been on personal leave for more than 52 weeks, the employee will not be able to take further personal leave for the same illness or injury unless they have either returned to work for 20 consecutive shifts or have the approval of the authorised delegated to do so. Shifts completed as part of an approved return to work plan are included).	Work unit manager (Level 4 Delegate)
No medical certificate	Up to five days (a maximum of three days at any one time).	Work unit manager
Statutory declaration	Unlimited where it is not reasonably practicable for the employee to provide a medical certificate.	Work unit manager
Caring	Each year	Authorised delegate
With medical certificate	Up to personal leave credit.	Work unit manager
No medical certificate	Up to five days (a maximum of three days at any one time).	Work unit manager
Statutory declaration	Unlimited where it is not reasonably practicable for the employee to provide a medical certificate.	Work unit manager

43.2 Taking Personal/Carers leave – minimum requirements

- An employee must give their work unit manager notice of the taking of personal/carers leave. The employee must:
 - advise the work unit manager of the period, or expected period, of the leave
 - provide notice to the work unit manager as soon as practicable, which may be a time after the personal/carers leave has started.
- If personal leave is taken:
 - for a personal illness or to access capacity building support services or to provide care for an immediate family, household member or assistance animal, it must be for at least one hour
 - personal leave must not be used to extend an employee's working time beyond their ordinary working hours.

43.3 Unused entitlements

- Personal leave is granted in advance on the employee's service anniversary date and any unused entitlements carry over into the next year. Unused accrued "without certificate" entitlements convert to "with certificate" entitlements on the employee's service anniversary date.

- Accrued personal/carer's leave will not be paid out on termination of employment.

43.4 *Impact of leave without pay – police members only*

Periods of leave without pay will not count as service for the purposes of accruing paid personal/carer's leave except for periods of unpaid leave of up to six months that are taken in the first 52 weeks of parental leave.

43.5 *If paid personal leave credits are exhausted*

If paid personal leave credits are exhausted, the employee:

- with a medical certificate – may elect to use other accrued leave entitlements or take personal leave without pay. If an employee does not nominate their preference, Victoria Police will automatically deduct other accrued leave entitlements.
- without a medical certificate – must utilise their accrued recreation and/or long service leave prior to being placed on leave without pay. Personal leave without pay does not count towards service.

43.6 *Personal/Carers leave at half pay (VPS employees only)*

- In exceptional circumstances, a VPS employee may be granted approval to convert any or all of their accrued paid personal/carers leave entitlement to half pay for a period equal to twice the period to which the VPS employee would otherwise be entitled.
- Approval to convert to half pay must only be granted in relation to a continuous absence of four weeks or more.
- To be eligible for personal/carers leave at half pay, the employee must comply with all notice and documentary requirements stipulated in this section.
- The delegate to consider applications to convert personal/carers leave entitlements is the Director, BPWRD.

43.7 *Portability of Personal/Carers leave (Police members only)*

- An employee appointed on or after 1 December 2019 may apply for recognition of prior service for personal leave purposes in the following circumstances:
 - where they have been employed by a police force or service in any State, Commonwealth or Territory of Australia, or the Australian Defence Force
 - the break between periods of service has been no more than 12 months.
- Service with the above-mentioned organisations which includes a break longer than 12 months but less than two years following resignation, may be approved recognised service for personal/carers leave purposes where the resignation occurred through special circumstances.
- An employee must make application within six months of appointment to Victoria Police. Application can be made via HR Assist (Dashboard Forms, HRA Forms).
- An employee applying for portability of personal leave under this clause, must provide the employer with a full-service history from the previous employer/s along with evidence of personal leave accruals at the completion of their service.

44. Applying

44.1 *Application process*

- Employees taking personal leave with a medical certificate/report must provide the medical certificate/report to the work unit manager at the time of making an application for personal leave with a certificate.
- VPS employees must submit their leave request via HR Assist and police members must use Oracle timesheets.
- The work unit manager must view the medical certificate/report before authorising personal leave with a medical certificate and then return the certificate/report to the employee. Managers are not required to retain a copy of the certificate/report but employees should keep the medical certificate/report in case it is required in the future.
- Statutory declarations provided in place of medical certificates and Certificates of Capacity will continue to be filed on the personnel or WorkCover file, respectively.
- Within the first four weeks of service or recruit training, the employee must provide a medical certificate regardless of the reason. Failure to do so will constitute an absence without pay.
- It is the employee's responsibility to ensure that the:
 - the work unit manager is notified of their absence as soon as reasonably practicable (preferably before the commencement of their next shift). If exceptional circumstances beyond the employee's control prevent this, the employee needs to notify their work unit manager retrospectively at the soonest available opportunity
 - the supporting documentation contains sufficient information for the work unit manager to consider and grant the request for personal leave (see section 44.2 of this policy)
 - the request does not exceed their accrued personal leave. If the employee is absent from work at the time and is unsure of their remaining entitlements, the work unit manager has viewing access on the employee's behalf through HR Assist. Alternately Payroll Services may be contacted to confirm leave entitlements.
- The work unit manager:
 - must verify that all supporting documentation contains the minimum amount of information required (see section 44.2 of this policy)
 - has the ability to lodge personal leave requests on behalf of an employee through HR Assist Manager Self Service.

44.2 *Supporting documentation - requirements*

The following requirements apply for documents submitted in support of personal and carers leave:

- Medical certificates must:
 - be from a registered medical practitioner with their signature (unless certification is provided only to confirm that the employee attended a medical appointment)
 - state the name of the person who is ill, and the expected duration of their absence

- if for carers leave, state that the employee is required to provide caring duties
- be for no longer than 28 days at any given time. If a police member's anticipated absence is for a lengthy period or unknown personal illness, the work unit manager (level 2 delegate) may refer the employee to the PMO in accordance with **VPM Mobility (members)**.
- Statutory declarations must:
 - state the name of the person who is ill, and the expected duration of the absence
 - if for foreseen or unforeseen caring responsibilities due to illness, state that the employee is required to provide caring duties
 - be provided only where not reasonably practicable to obtain a medical certificate and state the reason why it was not reasonably practicable to attend a registered medical practitioner.
- Reports from capacity building support worker or agency must confirm that the employee with disability access the services with details of the employee's name, date and time of the appointment.
- The following may be provided to support an absence to care for an assistance animal (VPS only):
 - evidence from a registered veterinary practitioner
 - statutory declaration stating that the condition of the assistance animal requires the employee's care or support.

Victoria Police may require the employee to provide appropriate documentary evidence that states the assistance animal is an accredited assistance animal e.g. accreditation certificate, proof of training or a statutory declaration stating the animal is an assistance animal.

Pressing Necessity Leave

A case for pressing necessity leave may be made for a serious and urgent personal matter. It is not for personal injury or to care for an ill dependant such as an immediate family or household member; for alternative leave options see Personal and Carers Leave section or Compassionate Leave section.

Pressing necessity is a discretionary provision; not a workplace entitlement. It does not accrue, and is unrelated to hours worked or service history. It is granted solely on a discretionary basis.

45. Criteria

45.1 *Applicable situations*

Pressing necessity is a situation which is:

- unplanned
- an emergency
- the employee's presence is vital
- no other alternative arrangements can be made.

45.2 *Situations where pressing necessity does not apply*

Scenarios that are not of pressing necessity include but are not limited to:

- attending to a private matter such as performing the duties of an executor, which could be reasonably conducted in the employee's own time

- attending court hearings that are not part of an employee's directed duties
- assisting police following a burglary at the employee's place of residence or their dependant
- attending a funeral (see Compassionate Leave section)
- to celebrate religious days or occasions of cultural significance (employees of Aboriginal or Torres Strait Islander descent may be eligible for Cultural and Ceremonial leave - see Other Leave section).

46. Conditions

- Up to a maximum of five consecutive calendar days may be granted on account of pressing necessity for all employees (including recruits). Paid leave is for hours ordinarily worked. Employees may also apply to take leave without pay due to a case of pressing necessity.
- Pressing necessity leave must be for a minimum of one hour.

47. Applying

- Apply for pressing necessity leave on HR Assist (VPS employees) or Oracle timesheet (police members).
- The authorised delegate is the work unit manager (Level 4).
- The work unit manager may request that the employee substantiate their reason/s upon their return to work, such as providing a copy of a police report or insurance claim. Failure to do so in a reasonable time may require the employee to use other accrued leave or the period will be considered an absence without pay and may be recovered as an overpayment of salary.

Purchased Leave

Employees may apply to trade pay for additional planned leave from the workplace. The employee's pro-rata salary earned for the actual time worked is spread over the year in exchange for additional leave.

48. Conditions

48.1 Overview

Purchased leave:

- reduces the employee's hourly rate of pay, so it affects any allowance expressed as a percentage of an employee's hourly rate of pay e.g. overtime/recall, shift allowances, leave loading etc. Purchased leave may also impact superannuation contributions by reducing their time fraction or Full Time Equivalent (FTE) depending on the type of superannuation scheme the employee is in.
- reduces police Schedule B Salary Related Allowances such as Commuted Overtime, Disturbance and One Person Station
- has no impact on police Schedule C Expense Related Allowances or Schedule D Shift Allowances.

Victoria Police recommends that employees considering a purchased leave arrangement also seek independent financial advice prior to commencing the arrangement.

48.2 Available purchased leave combinations – VPS employees

The following purchased leave combinations are available to VPS employees:

Weeks	Additional leave	VPS – total annual absence
44/52	8 weeks' leave	12 weeks' leave
45/52	7 weeks' leave	11 weeks' leave
46/52	6 weeks' leave	10 weeks' leave
47/52	5 weeks' leave	9 weeks' leave
48/52	4 weeks' leave	8 weeks' leave
49/52	3 weeks' leave	7 weeks' leave
50/52	2 weeks' leave	6 weeks' leave
51/52	1 weeks' leave	5 weeks' leave

- An employee and their delegate may however, agree on an arrangement that provides the employee with more than eight weeks additional leave.
- An employee can only make an application where they do not have an excessive recreation leave accrual. Excessive recreation leave is more than eight weeks (two years accruals).

48.3 Available purchased leave combinations – police members

The following purchased leave combinations are available to police members:

Weeks	Additional leave	Members – total annual absence
48/52	4 weeks' leave	13 weeks' leave
49/52	3 weeks' leave	12 weeks' leave
50/52	2 weeks' leave	11 weeks' leave
51/52	1 weeks' leave	10 weeks' leave

48.4 Commencement of purchased leave arrangements

- All purchased leave must be used in the year which it has been applied for.
- Purchased leave should be taken in weekly blocks.
- Employees must take their purchased leave in the following periods:
 - VPS employees' purchased leave period commences 1 January each year for that calendar year
 - police members' purchased leave period commences 1 July each year for that financial year.
- Employees may only apply for purchased leave in the periods detailed at section 49 of this policy.
- Police members' accrued recreation leave should be taken (leaving a zero balance) prior to commencing the arrangement each year (i.e. by 30 June of the year you intend to take purchased leave). Where there will not be a zero balance, this should be agreed with the work unit manager.
- The employee must apply each year for purchased leave, irrespective of their work area. If the authorised delegate does not approve the application, or no application is submitted, the employee reverts back to their original working hours.

48.5 *Changing purchased leave arrangements*

- The employee can withdraw their request for purchased leave anytime during the annual application period (see section 49 of this policy).
- Once approved, the employee or delegate must give 28 days' notice in writing of any requested changes to the agreed purchased leave dates during the year.
- In exceptional circumstances employees may cancel previously approved leave during the purchased leave period provided at least 28 days' notice is given. Commensurate salary adjustments (either over or under) will be made.
- If purchased leave has not been used by the end of the financial year (police members) or calendar year (VPS employees) any money forgone will be repaid.
- If the employee resigns, Victoria Police will either repay money foregone, or recoup any overpayment.

48.6 *Promotion or transfer*

- An employee who has purchased leave and is transferred or promoted to a new workplace must advise their new work unit manager of their purchased leave arrangement prior to the commencement of work.
- The new work unit manager must honour an earlier purchased leave arrangement for the remainder of the relevant calendar or financial year. However at the end of that period the employee must submit a new application.

48.7 *Workplace planning and management*

While approval is always subject to workplace requirements and overall leave liability, priority should be given to employees applying in accordance with s. 65, *Fair Work Act*, refer to **VPM Workplace flexibility** for further information.

48.8 *Purchased leave and other forms of leave*

- Purchased leave cannot accrue beyond the year for which it is applied.
- VPS employees cannot take recreation leave at half-pay and purchased leave in the same year.
- Police members taking purchased leave will have their accrued time off (ATO) reduced proportionately. Police members cannot cash out ATO and take purchased leave in the same year.
- Where an employee has an accepted workers compensation claim and where weekly payments are payable, the reduced (purchased leave) salary is utilised to calculate make-up pay.
- Where an employee is on WorkCover leave, if their absence is, or anticipated to be, longer than the 12 month purchased leave period (VPS – calendar year, police – financial year), the purchased leave arrangement ceases and any difference in salary will be repaid or recouped.

49. Applying

- Police members must apply between 1 April and 17 May to commence in the next financial year (1 July).

- VPS employees must apply between 1 October and 16 November to commence in the next calendar year (1 January).
- Late applications will only be considered on provision of extraordinary circumstances demonstrating why the application was late.
- Applications for purchased leave may only be rejected on reasonable business grounds.
- Where an employee, with an excessive amount of recreation leave or an outstanding balance of long service leave, wishes to make an application for purchased leave, the following should be considered by the delegate:
 - the extent of the employee's excessive recreation leave
 - the extent of the employee's long service leave balance
 - any plans the employee has to take some or all of their accrued recreation leave or long service leave entitlement in conjunction with any approved purchased leave arrangement.
- To apply for a purchased leave arrangement, all employees must use HR Assist. Employees are to nominate their proposed leave dates to assist work unit managers in planning leave rosters for the year.
- The manager of the applicant is the authorised delegate (Level 2).
- Employees must adhere to the purchased leave dates nominated in their application unless in exceptional and unforeseen circumstances which must be approved by the authorised delegate (Level 2).

49.1 *Recording periods of purchased leave throughout the year*

Once approved, applications to take periods of purchased leave must be requested via HR Assist (VPS employees) or Oracle Timesheet (police members). The work unit manager is the authorised delegate (Level 4) for approving the actual taking of purchased leave once participation in the purchased leave arrangement is approved by the Level 3 delegate.

Recreation Leave and Accrued Time Off

Employees are entitled to recreation leave as it aids occupational health and safety, improves work/life balance, and contributes to a productive workplace.

50. Conditions

- All entitlements in this policy are paid at the employee's ordinary hourly rate for their current rank/level and increment unless stated otherwise.
- For police members, reference to 'year' in this section means financial year unless stated otherwise.

51. Police members - entitlements

51.1 *Recruits*

Recruits are entitled to 5.107 hours of recreation leave for each completed week of the initial training period or part thereof.

51.2 *Police members*

All police members are entitled to nine weeks (342 hours) leave comprised of seven weeks

(266 hours) recreation leave plus 10 days (76 hours) accrued time off.

52. Police members – recreation leave – conditions

52.1 *Taking recreation leave – minimum requirements*

- When recreation leave is taken by police members there are no minimum time requirements, it can be taken as weekly blocks, or it can be combined with ATO or TOIL to make up hours or days of leave, as approved by the authorised delegate.
- Police members are not eligible to take recreation leave at half-pay, but by exception they may choose to take their recreation leave at half pay to substitute a period of unpaid parental leave (see Parental leave section).

52.2 *Rest days*

Rest days for police members are comparable to a 'weekend' so they cannot be substituted with other types of leave, for example, personal leave. Where a police member takes one week (38 hours) of recreation leave they have seven days off work, including two rest days. The same principle applies to all other shift combinations.

52.3 *Leave loading*

- For Commanders and Superintendents - leave loading is paid at 17.5% of the base rate of pay of Superintendent progression point 1 for the first 152 hours (see condition below) of recreation leave for full time police members.
- For Inspectors and below - leave loading is paid at 17.5% of their rank and increment on their ordinary hourly rate of pay (at the time leave is taken) for the first 152 hours (see condition below) of recreation leave.
- Leave loading for all other employees, excluding Recruits, will be paid as recreation leave is taken throughout the financial year.
- Senior Executive Service Officers, have no entitlement to leave loading.
- Where less than 152 hours of recreation leave is taken in a financial year and is subsequently carried over into the next financial year, leave loading will be paid on the balance of hours, up to 152 hours in respect to each financial year.
- If an employee resigns or retires, leave loading will be recouped on a pro-rata basis. Leave without pay (including parental leave) may impact on an employee's entitlement to leave loading, so Victoria Police will recoup any difference.

52.4 *Accrual of recreation leave*

- Recreation leave is credited at the commencement of the financial year and will be calculated on a pro-rata basis for any period of employment which is less than 12 months. During periods of suspension with pay there is no impact on recreation leave entitlements.
- Recreation leave should be used in the same financial year it accrues. Where the employee has half of their recreational leave entitlement owing as of 1 January and there is no plan in place to exhaust that leave, the manager should develop a plan in consultation with the employee to exhaust the leave prior to 30 June. If this is not possible the employee must apply in writing to carry this leave over into the next financial year providing they can demonstrate extenuating personal circumstances, with the approval of the authorised delegate (Level 4 delegate – work unit manager).

The authorised delegate may also identify extenuating operational circumstances which prevents leave being taken. The employee and manager should then develop an appropriate leave plan to exhaust the leave carried over.

52.5 *Recreation leave for part time police members*

- Recreation leave is accrued on a pro-rata basis for part-time police members.
- Recreation leave is deducted from credits based on the agreed work pattern.

52.6 *Cashing out recreation leave*

- It may be possible for an employee to cash out some of their accrued recreation leave where:
 - the employee will have an outstanding recreation leave balance as at 30 June and has not been approved to carry the leave into the next financial year; or
 - the employee has recreation leave balance in excess of seven weeks other than as a result of purchased leave; and
 - the cash out will not result in the employee's remaining entitlement to recreation leave being less than four weeks.
- An agreement for cashing out of recreation leave must be in writing and must state:
 - the amount of recreation leave to be cashed out and the payment made to the employee for it
 - the date on which payment is to be made.
- Applications to cash out recreation leave should be made using the Cashing out of Recreation Leave Application Form (located on VPM under Human Resource Management, Practitioner Guides and Resources) or via the online form on HR Assist, Dashboard Forms.
- The authorised delegate for cashing out a police member's recreation leave is the Level 1 delegate.
- In assessing the application, the authorised delegate should consider if a leave plan has been entered into, if there is sufficient budget to cash out recreation leave or if medical advice has been supplied to support the application. Further information can be found on **EB 2019 Guideline – Cashing Out of Recreation Leave**.
- A copy of the agreement must be kept on the employee's personnel file.
- Employees on a temporary pension from ESSS are eligible to cash out their recreation leave in accordance with the above conditions.

53. **Accrued time off – conditions**

- In accordance with clause 27 of the Sworn Agreement, police members work an 80 hour fortnight but receive payment for 76 hours. The difference accrues as Accrued Time Off (ATO) to a maximum of 10 days per year. Duties are performed during eight hours of each day of the week, and 0.0463 of each hour completed is accrued.
- Employees accrue 76 hours for the year 1 July to 30 June. This is shown in advance as a credit balance on 1 July each year.
- ATO credit balances accrue during rostered work hours and will be reduced during period of leave after the 55th day of absence of the year.

- ATO may be combined with recreation leave to make up an absence however ATO cannot be taken at half pay.
- ATO must be taken in the financial year in which it accrues, but the employee may apply in writing to carry it over in exceptional circumstances. If carried over ATO is added to the police member's recreation leave balance.
- ATO does not accrue in the case of long service leave, recreation leave, personal leave, WorkCover leave, suspension from duty, parental leave or any other paid/unpaid leave.
- ATO does accrue for the period that a police member is absent on ADFR leave, Staff representative leave and Anzac Day leave.
- ATO balances are to be reconciled at the end of the financial year against the number of hours the employee has worked during the financial year. Where an employee has not worked the required number of hours to accrue the full 10 days of ATO entitlement, any deduction made will be from the following financial year's ATO balance.
- If an employee becomes ill while absent on ATO, the ATO days may be re-credited in circumstances where a medical certificate is produced (see Personal and Carers leave section for more information).
- Recruits and police members who work part-time (including those who own/occupy multiple part-time positions) are not eligible for accrued time off.

53.1 *Cashing out of accrued time off*

- In accordance with clause 13 of the Sworn Agreement, police members may request an Individual Flexibility Arrangement (IFA) to cash out all or part of their ATO entitlement where they have accrued a minimum of 38 hours of ATO.
- Police members with approved purchased leave arrangements are not eligible to request an IFA to cash out their ATO.
- IFAs to cash out ATO must be applied for on HR Assist (Dashboard Forms).
- Police members must apply to cash out ATO by 30 June. The authorised delegate is under no obligation to accept a late application.
- The Department Head is the authorised delegate (Level 1).
- IFAs to cash out ATO must only be approved where it meets the genuine needs of Victoria Police and the employee. When assessing the genuine needs of the employee, the *Fair Work Act* outlines that consideration must be given to whether the employee is better off overall if their IFA request is granted, this can be better off financially or for non-financial reasons.
- Requests can be for a minimum of 38 hours (five days) or a maximum of 76 hours (ten days). Five days ATO is accrued approximately in December and 10 days by May, however this depends on other leave taken. No single days will be considered.
- Eligible police members will be required to accept and electronically acknowledge an IFA prior to cashing out their ATO.
- Police members approved to cash out their ATO must work a 40 hour week and at a time and location as directed.
- Police members approved to cash out their ATO will only be able to work the additional shifts and be paid after they have accrued the relevant time off requested within the financial year. This is to ensure no overpayments occur.

- Victoria Police or the police member may terminate the IFA by either:
 - giving no less than 28 days written notice
 - if both parties agree in writing - at any time.

54. VPS employees – recreation leave entitlements and conditions

54.1 General entitlements

All VPS employees, other than casual employees, are entitled up to four weeks (152 hours; pro-rata for part-time VPS employees) recreation leave in accordance with the following provisions:

Type of employee	Recreation leave (except for casual employee)	Basic days/hours	Additional days/hours	Leave loading	Regular shift or other terms
Non-shift worker	Accrue the equivalent of 12.67 hours every four weeks, annually after 1 year.	4 weeks 20 days 152 hours	Nil	17.5%	38 hour week, undertaken within normal hours of work. Public holidays taken as they fall. Accrue 12.67 hours every four weeks.
Shift worker	Accrue the equivalent of 12.67 hours every four weeks, annually after 1 year.	4 weeks 20 days 152 hours	0.5 days 3.8 hours for each Sunday, up to five days max.	17.5%	38 hour week. Regular shift work required and Public holidays will be worked as rostered. Roster includes fewer than ten Sundays* in the calendar year. Accrue 12.67 hours every four weeks.
Shift worker	Accrue the equivalent of 12.67 hours every four weeks, annually after 1 year.	4 weeks 20 days 152 hours	5 days 38 hours	17.5%	38 hour week. Regular shift work required and Public holidays will be worked as rostered. Roster includes ten or more Sundays* in the calendar year. Accrue 12.67 hours every four weeks.

***Sunday duty must be for more than three hours**

54.2 Accruing recreation leave

Recreation leave accrues progressively on a daily basis for all periods of completed service.

54.3 Recreation leave for part time employees

- Recreation leave is accrued on a pro-rata basis for part-time employees.
- VPS employees who work more than their agreed working pattern but less than 38 hours, will accrue recreation leave on additional hours worked.

54.4 *Taking recreation leave*

- There are no minimum time requirements for taking recreation leave. Recreation leave may be combined with flexi-time (where the arrangement is in place) to make up an absence.
- Recreation leave must be used in the same or next calendar year in which it is accrued. If this is not possible, the employee must apply in writing to their Divisional Manager (Level 2 delegate), to carry this leave over into the next calendar year. Managers should work with employees to discuss a plan to reduce or eliminate the excessive leave accrual. If approval to carry over the leave is not granted, the employee may be directed to take part or all excess leave as required.
- Where the employee does not have an excessive leave accrual, there is no requirement for the employee to plan their leave in advance.
- VPS employees applying for recreation leave in full day blocks may apply to take any or all of those full day blocks at half-pay however; recreation leave taken for less than a day cannot be taken at half pay.
- Employees who have agreed purchased leave arrangements are not eligible to apply for recreation leave at half-pay.

54.5 *Leave loading*

- Leave loading is paid at 17.5% for the employee's ordinary hourly rate of pay. Leave loading is paid as leave is taken.
- For VPS shift workers, leave loading is paid on all additional recreation leave, and the greater of the following payments apply:
 - 17.5% of base salary (i.e. exclusive of penalties and allowances). VPS Employees at or above VPS Grade 5 will receive leave loading based on the maximum of the salary for VPS Grade 4; or
 - the total shift penalty allowance that would normally be paid had they continued to work and not taken recreation leave (i.e. shift penalty allowance on up to five weeks pay).

54.6 *Cashing out recreation leave*

- Employees may request to cash out an amount of accrued recreation leave on one occasion only during the life of the VPS Agreement.
- Requests are to be submitted to the relevant work unit manager or equivalent in the first instance and referred to the Level 3 delegate for endorsement.
- An employee cannot cash out recreation leave where the cash out would result in the employee's balance being less than four weeks.
- Applications to cash out recreation leave should be made using the Cashing out of Recreation Leave Application Form (located on VPM under Human Resource Management, Practitioner Guides and Resources).

54.7 *Christmas closedown*

- Where a work unit manager intends to closedown part or all of the unit's operations for the three working days from the first working day before Christmas Day to the end of the last working day before New Year's Day (closedown period), the work unit manager:

- must notify relevant employees in writing of this intention no later than 1 October of the year in which the closedown is to take place
 - should request relevant employees to utilise any accrued time in lieu, annual leave, substitute leave, flexi time credits or additional hours accrued under a flexible working arrangement
 - may require a minimum level of staffing to meet the operational requirements of the workplace.
- For further information, see **VPM Workplace flexibility**.

55. Additional entitlements and conditions for recreation leave (all employees)

- Any employee who has reason to take personal leave and provides a medical certificate (see Personal and Carers leave section) during recreation leave may have the equivalent period credited.
- Recreation leave does not accrue during any period of:
 - times rostered or required for overtime duty
 - parental leave without pay
 - recognised prior service
 - leave without pay, except to undertake employment with a public body (Leave without Pay section) or the Australian Defence Force (see Defence Force leave section).
- When on a Return to Work program, managers should develop a plan in consultation with the employee and Injury Management Consultant, with a view to reducing their leave but which is balanced against the employee's rehabilitation requirements.

56. Applying and Recording

- Police members are to record recreation leave or accrued time off on the Oracle Timesheet or HR Assist as applicable.
- VPS employees are to apply for recreation leave using HR Assist.
- It is the employee's responsibility to ensure that:
 - the work unit manager receives the request in a timely manner and there are enough credits. The request must clearly state which type of leave (if using combinations of leave types) and for what time period (if the leave request is for less than a day). If the employee is absent from work, the manager has viewing access via HR Assist and Oracle
 - approval for leave is given prior to making any irrevocable arrangements that are dependent upon that leave.
- The work unit manager is the authorised delegate for approving recreation leave and accrued time off. They must verify that the employee has sufficient credits.
- When considering requests for leave during periods of high service delivery demand, the work unit manager must ensure a fair and equitable process and genuinely consider the leave request, considering legal and industrial obligations, service delivery and rostering requirements (including minimum resourcing requirements) as well as individual circumstances of the employee, prior to providing a response.

57. Recreation leave entitlements on cessation of employment

All recreation leave entitlements for employees will be paid 'part thereof' in lieu of accrued but untaken leave (including leave loading and ATO if applicable) upon cessation of employment due to resignation, termination, dismissal or retirement.

58. Recoupment if excess leave is taken

Victoria Police will recoup the monetary difference for any leave (including leave loading and ATO if applicable) taken in excess of accrued entitlements upon cessation of employment due to resignation, termination, dismissal or retirement (see **VPM End of employee service**).

59. Managing excessive leave

- Work unit managers should actively monitor their employee's leave balances to ensure that employees are getting adequate breaks from the workplace to aid their health and safety.
- Work unit managers should work with employees to develop a leave roster to ensure that leave is exhausted in a timely manner.
- The leave roster will take into consideration the service delivery requirements of Victoria Police and the individual circumstances of the employee.
- In the event an employee has been on an extended leave of absence, the work unit manager will work with the employee upon their return to develop a leave plan.
- In the event an employee has more than half their recreation leave entitlement owing on 1 January, and the employee does not have an agreed leave roster in place to exhaust their leave by 30 June, the work unit manager will work with the employee to develop a leave plan and may direct an employee to take leave.
- In developing a leave plan with the employee or requiring an employee to take leave, the work unit manager will:
 - discuss the timing of the leave with the employee
 - give due consideration to the needs of the employee
 - provide a minimum of one month's notice of any requirement to take leave if they do not agree.
- For VPS employees, where accrued recreation leave exceeds eight weeks (10 weeks for shift workers) it is considered excessive. Work unit managers and employees must genuinely try to agree upon steps that will be taken to reduce or eliminate excessive leave accrual. This agreement must be attempted before a work unit manager can direct that leave be taken.

Rehabilitation Leave for Alcohol and Drug or Problem Gambling (VPS Employees)

If an employee's conduct or work performance is being adversely affected by misuse of alcohol or other drug/s or problem gambling, employees and managers must act at the earliest opportunity to address the situation. A welfare response is encouraged in the first instance. Drugs include any medication or other substance, prescription or otherwise.

Leave with or without pay may be granted to VPS employees to undertake an approved rehabilitation program, where they are prepared to undertake the program.

Nothing in this or associated policies precludes employees from reporting concerns about an employee's behaviour or conduct in accordance with the Victoria Police Professional and Ethical Standards.

60. Eligibility

This policy applies to VPS employees only (excluding casuals). Police members should refer to **VPM Alcohol and other drugs** for relevant information.

An employee should be considered eligible for this leave where:

- all other accrued leave credits have been exhausted
- in the case of an alcohol or drug addition, a registered medical practitioner has certified that the employee needs to undergo an approved rehabilitation program because of misuse of alcohol or drugs and that the employee is suitable for an approved rehabilitation program
- in the case of problem gambling, the employee satisfies eligibility requirements for entry into an approved gambling rehabilitation program.

61. Conditions

Paid leave may be granted to attend an approved rehabilitation program, up to a maximum number of days for each year of service in Victoria Police or aggregate service in the Victorian Public Sector:

Year of service	Maximum paid leave entitlement for the first year of rehabilitation program	Maximum paid leave entitlement for subsequent years of rehabilitation program
Less than 2 years	Unpaid leave for attendance at the Rehabilitation Program	Unpaid leave for attendance at the Rehabilitation Program
2	Up to 20 days (152 hours)	Up to 15 days (114 hours)
3	Up to 27 days (205.2 hours)	Up to 20 days (152 hours)
4	Up to 33 days (250.8 hours)	Up to 25 days (190 hours)
5 or more	Up to 40 days (304 hours)	Up to 30 days (228 hours)

- Years of service may be continuous or aggregate.
- The employee must provide proof of attendance at the rehabilitation program or approval may be withdrawn.
- Leave granted for Alcohol and Drug or Problem Gambling Rehabilitation is treated the same as personal leave for the purpose of service.

62. Applying

- Employees must submit their application for rehabilitation leave to their manager through HR Assist and attach additional supporting documentation.
- The Department Head (Level 1 Delegate) approves all rehabilitation leave, with or without pay. For applications to continue rehabilitation leave, the Department Head (Level 1 Delegate) considers information regarding:
 - the employee's progress in the approved rehabilitation program
 - advice from a registered medical practitioner
 - any other factors which are deemed to directly affect the amount and type of leave granted.

Special Sick Leave

Special sick leave may be granted to an employee required to be absent from work due to a serious illness or justifiable cause on the recommendation of the PMO or registered medical practitioner, where they have exhausted (or about to exhaust) all other accrued personal and recreation leave entitlements.

Special sick leave does not accrue, and is unrelated to hours worked or service history. It is granted on a discretionary basis by Victoria Police and is intended to be a measure of last resort.

Special sick leave may also be granted while an employee's workers compensation claim is pending acceptance of liability. However, employees must demonstrate and supply medical documentation in support of their serious illness in all instances, including where a workers compensation claim is pending acceptance of liability.

Special sick leave is considered to be an extension of personal leave for the purposes of section 28.5 of the *Victoria Police Act 2013*.

The Director, BPWRD is the authorised delegate.

63. Conditions

63.1 *Time available*

Employees may be granted up to three months paid special sick leave (60 working days maximum) as either a single continuous or an aggregate over the course of their employment, which will count as service.

63.2 *Criteria for serious illness*

- The serious illness must have been:
 - present for at least 14 consecutive days, and be of such severity that the condition carries a high risk of mortality in the foreseeable future, negatively impacts quality of life or the employee cannot perform some or all of their self-care activities of daily living (conditions that disrupt self-care activities for less than 14 consecutive days will also be considered on a case by case basis)
 - examined by a registered medical practitioner who has provided an assessment of their patient's medical condition.
- A serious illness does not include medical condition/s for which the employee has refused to seek, or does not follow, reasonable and appropriate medical advice.

64. Applying

64.1 *Employee's responsibilities*

- To make an application for Special Sick Leave employees must use the Special Sick Leave Application Form and attach the Special Sick Leave Treater's Report (both found under VPM, Human resource management, Practitioner guides and resources).
- In circumstances where the employee is unable to make the application themselves, it may be submitted on their behalf by their work unit manager or union representative.
- In some circumstances, it may be inappropriate to provide the medical evidence to the work unit manager in which case the employee can provide it directly to the PMO or authorised delegate. This does not, however, preclude the delegate from discussing the application with the work unit manager.

64.2 *Work unit manager responsibilities*

The work unit manager must:

- verify that the employee's application contains adequate information and the necessary supporting documentation to enable the authorised delegate to make their determination in a timely manner

- forward the employee's application to the Director, BPWRD
- maintain regular contact with the employee to keep them abreast of the progress of their application
- maintain confidentiality at all times
- if requested, submit the application on behalf of the employee, should the employee be unable to do so.

64.3 *Authorised delegates and Police Medical Officer's responsibilities*

The authorised delegate is the Director, BPWRD. The delegate may refer the request to the PMO for a medical opinion as part of their consideration. The employee may also be requested to attend the PMO for assessment.

64.4 *Workers compensation*

- If an employee has exhausted their personal leave and has a workers compensation claim that is pending acceptance of liability, they may be granted special sick leave from the date they exhaust their personal leave up to the date of determination of their claim to a maximum 13 weeks.
- This does not preclude the granting of special sick leave in circumstances where a workers compensation claim has been rejected and the member has sought a review of the rejection.
- If the employee's workers compensation claim is subsequently accepted, this will not be treated as having used special sick leave but workers' compensation leave. This will also apply in other circumstances where an employee has used special sick leave and subsequently has an accepted workers compensation claim.

Staff Representative Leave

Employees who are elected as Delegates or Executive/Board Members to one of the following recognised employee associations/organisations may be granted staff representative leave to undertake approved training and attend meetings and conferences conducted by, or for that association/organisation:

- The Police Federation of Australia/The Police Association (Victoria) (TPAV)
- Community and Public Sector Union (Victoria Branch) (CPSU)
- Victoria Police Legacy Scheme Inc.
- Bank Vic Board (formerly the Police Credit Co-op).

Employees who wish to undertake a period of employment with a recognised employee association may apply for leave without pay to do so (see Leave without pay section) but remain subject to additional conditions in this section.

Applicants should also note that the Chief Commissioner will determine the number of employees who may work at the employee association at any one time.

65. Conditions

65.1 *General conditions*

- Delegates may be granted up to five days each calendar year (or 10 days anytime over two years) to attend an approved training course relevant to their role.

- Executive/Board Members may be granted up to 24 days each calendar year (with the exception of Bank Vic Board Members – refer to table below) to attend any approved meetings or conferences, and may request additional leave to attend conferences as required.
- Employees receive normal salary including commuted allowances but no other shift penalties, overtime or allowances. Employees are not entitled to any reimbursement from Victoria Police, or use of Victoria Police vehicles, for any reason. Paid leave is not granted for travelling time.
- Staff representative leave is like other paid leave for service purposes; however it is not classified as 'on duty'. Employees will however continue to accrue ATOs.
- Any personal injury sustained during staff representation leave is deemed distinct and separate from employment with Victoria Police in all circumstances.

65.2 *Approved training, meetings and conferences*

Approved training, meetings and conferences for Elected Delegates or Executive/Board Members are:

Elected Delegate	TPA	CPSU	Bank Vic Board	Legacy	Authorised Delegate
	Training course	Training course	N/A	N/A	Senior Manager (Level 2)
	Delegates' Conference/ Annual General Meeting	Annual Conference	N/A	N/A	Senior Manager (Level 2)
Executive /Board Member	TPA	CPSU	Approved Members	Legacy	Authorised Delegate
	Executive Committee	Executive Council	Board Meeting (5 hours per month)	Board Meetings	Senior Manager (Level 2)
	Delegates' Conference/ Annual General Meeting	Annual Conference	N/A	N/A	Senior Manager (Level 2). Where the employee has exceeded 24 days over the year, the delegate is the Director, BPWRD (Level 1)
	N/A	Country Branches	N/A	Legatee lunches Annual children's holiday	Senior Manager (Level 2)

65.3 *Delegate Elections*

- During election time delegates and candidates must not use Victoria Police electronic means to campaign; they may only use designated employee noticeboards in common areas.

- Employees may however, send an email to employees within their area of representation providing them with the details of the election and encouraging them to exercise their vote without exhibiting bias. Under no circumstances are global emails to be sent.
- Representatives may post TPA or CPSU material in employee, but not public, access areas.

65.4 *Undertaking employment with a recognised employee association*

Employees may apply for leave without pay for up to five years per application to undertake employment with a recognised employee association, provided they have completed at least two years' service and given written consent to be unattached immediately upon commencement of leave. In addition:

- this leave without pay will not count as service, except for personal leave and/or long service leave provided the employee association transfers payment for the accrued long service leave to Victoria Police when they return. Personal leave accruals must also be evidenced
- employees are exempt from the requirement to submit an annual application for secondary employment or outside interest
- the authorised delegate will provide TPA and CPSU representatives with reasonable access to workplace facilities including system access, conditional upon use of Victoria Police facilities in good faith, and in accordance with the Victoria Police Professional and Ethical Standards and **VPMP Appropriate use of information** and **VPMP Information access**
- Victoria Police will not pay any superannuation. Arrangements regarding superannuation contributions (both personal and employer) must be made with the relevant superannuation fund prior to commencement of employment with the staff association
- if approved by the relevant superannuation fund, the employee may continue to be a member of that fund and make personal contributions at the appropriate rate. The staff association is expected to make the employer's superannuation contribution at the appropriate rate
- payment of both the employee's personal superannuation contribution and the employer's contribution are to be made by the staff association direct to the superannuation fund.

66. Applying

- Employees are to apply for leave on HR Assist or Oracle Timesheets, through the work unit manager to the authorised delegate. If applicable, employees must provide evidence of their nomination to attend and proof of their attendance from the employee association.
- To apply for leave without pay to work within an approved staff association see Leave without Pay section.
- The work unit manager must consider:
 - if they can reasonably make alternative arrangements in the employee's absence
 - for elected delegates to attend the Annual Conference or Annual General Meeting, whether the employee association has formally provided the Director, BPWRD, with reasonable notice of, and the purpose/agenda for, the Conference/Annual General

Meeting. Also, if it has demonstrated the event improves industrial relations with Victoria Police and received approval from the Director.

Study Leave

Study leave is a discretionary provision.

Study leave can be granted full time or part time.

Study should be undertaken, wherever possible, outside normal hours of work. However, Victoria Police recognises that this is not always possible, and study leave is a means of meeting course obligations if scheduled at times when you are typically required to work.

Study leave does not accrue from year to year and will not be paid out on termination of employment.

67. Study leave provisions

67.1 *Eligibility*

- Study leave is available to employees where the qualification or subject in question relates to their current position or demonstrably aligns with their future career development in Victoria Police. For VPS employees, the work unit manager should also consider the development of the employee's capability and skills and alignment to organisational goals and VPS workforce mobility when assessing an application.
- Paid leave may only be granted where attendance at lectures, tutorials and seminars is a course requirement (this includes mandatory online attendance). It is not for private study or research.
- Paid study leave may be granted by the work unit manager for professional development including Continuing Professional Development, short courses, micro-credentialing or other training.
- Study must be:
 - formal: provided by a recognised education institution in the Australian Qualifications Framework (AQF) Register
 - self-funded: Victoria Police does not reimburse any cost associated with study unless a requirement of the employee's current position and the employee is nominated or directed to attend.

67.2 *Work unit planning and management*

- Study leave must be applied for in advance.
- Employees and work unit managers should endeavour to plan attendance at work so as to minimise the need for paid study leave. The work area must be able to make alternative arrangements in the employee's absence, and an employee's performance at work should not be negatively affected.
- Where an irreconcilable conflict arises, service delivery needs of the work unit always take precedence.

67.3 *Use of approved study leave*

- Approved hours of study leave must be used for that purpose and no other reason. If the amount of leave initially requested is not needed, it should not be taken. Study leave cannot be carried over.

- If the employee withdraws from study they must notify the authorised delegate without delay.

67.4 *Distance education students*

All conditions apply to distance education students unless specifically excluded from the provision.

67.5 *Study leave and other forms of leave*

- Approved study leave is in addition to all other leave accruals.
- Recreation leave will be re-credited if employees provide evidence of their requirement to attend examinations or tutorials during a period of recreation leave.

67.6 *Unpaid study leave*

Students seeking unpaid leave to study on a full-time or part-time basis should refer to Leave without Pay section or **VPM Workplace flexibility** for more information.

68. Part time study leave

68.1 *Conditions*

Employees who meet the general eligibility criteria may be entitled to part-time study leave as follows:

- up to eight hours each week to attend lectures and tutorials (including online learning). For VPS employees this includes travel time, and attendance for classroom activities or related project work
- employees are eligible for up to 10 days annually (or the equivalent in hours) to meet mandatory attendance requirements at seminars, workshops or fieldwork or online learning requirements
- up to five days annually for pre-examination preparation and written practical work such as major project work required to complete an accredited course of study, professional development, short course, micro-credentialing or other training
- leave as required to attend examinations, including reasonable travel time
- leave as required to attend, within Victoria, graduation ceremonies which represent course completion or admittance to practice
- part time employees will be granted study leave on a pro-rata basis calculated on the number of ordinary hours worked.

VPS employees are permitted, with approval from the work unit manager, to bank the weekly eight hour entitlement to support attendance at an intensive course.

68.2 *Applying*

- Applications should be made on the Part Time Study Leave Application Form [VP Form 1113].
- The employee must provide appropriate evidence to substantiate requests in the first instance.

- Employees must reapply if and when attendance requirements vary. When renewing an application, employees must attach proof of satisfactory progress from the previous study period.
- The authorised delegate for paid part-time study leave is the work unit manager (Level 4).
- For all other part-time study leave (for example, pre-exam leave, examination leave) use Oracle Timesheet (police members) or HR Assist (VPS employees).
- At the completion of each academic year, academic results must be sent to the authorised delegate for recording and audit purposes on the employee's personnel file.

69. Full time study leave

69.1 Conditions

Employees who meet the general eligibility criteria may be entitled to full-time study leave subject to the following conditions:

- full-time study leave may be granted once only, normally to complete the final year of a course. Consideration may be given to other years within the course, but only in special circumstances
- study must be to attend a recognised education institution in the AQF Register or after admittance to the Leo Cussen Institute
- successful applicants receive their current salary for the academic year
- at the completion of each semester (from the day of the first lecture to the final examination) the employee must return to work until the next semester unless other leave is approved
- successful applicants must sign a bond agreement with Victoria Police which assigns the employee to three years for each year (or part thereof) of paid full-time study leave
- additional study leave outside semesters may be granted as required to attend graduation ceremonies which represent course completion or admittance to practice within Victoria only
- fixed-term VPS employees are not eligible for full-time study leave.

69.2 Applying

- Employees using the Full-time Study Leave Application Form (located on VPM under Practitioner Guides and Resources) should submit it through their line manager to the Department Head for endorsement.
- Department Heads should forward applications and their endorsement to the Chief Commissioner for consideration.
- The Chief Commissioner approves all full-time paid study leave, and considers information from:
 - the applicant
 - the applicant's line management
 - recommendations from Department Heads.

Related documents

Relevant legislation

- *Victoria Police Act 2013* (Vic)
- *Victoria Police Regulations 2014* (Vic)
- *Public Administration Act 2004* (Vic)
- *Privacy and Data Protection Act 2014* (Vic)
- *Health Records Act 2001* (Vic)
- *Equal Employment Opportunity Act 2010* (Vic)
- *Occupational Health and Safety Act 2004* (Vic)
- *Children, Youth and Families Act 2005* (Vic)
- *Workplace Injury rehabilitation & Compensation Act 2013* (Vic)
- *Workplace Relations Amendment (Work Choices) Act 2005* (Cwth)
- *Charter of Human Right and Responsibilities Act 2006* (Vic)
- *Defence Reserve Service (Protection) Act 2001* (Cwth)
- *Fair Work Act 2009* (Cwth)
- *Long Service Leave Act 2018* (Vic)
- *Public Health and Wellbeing Regulations 2019*

Other relevant documents:

- Victorian Public Service Enterprise Agreement 2024
- Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2019
- Australian Qualification Framework (AQF) Register of Recognised Education Institutions and Authorised Accreditation Authorities in Australia.

Further advice and information

For further advice and assistance regarding this policy, contact BPWRD by email to PBEA: WRD-GENERAL-MGR.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
03/06/19	This document combines and consolidates VPMP Leave , VPMG Commonwealth paid parental leave scheme , VPMG Compassionate leave , VPMG Defence force leave , VPM Deferred Salary Scheme (police members only) , VPM Family violence leave , VPMG Infectious and contagious diseases leave , VPMG Leave without pay , VPMG Long service leave , VPMG Other leave , VPMG Parental leave , VPMG Personal and carers leave , VPMG Pressing necessity leave , VPMG Purchased leave , VPMG Recreation leave and accrued time off , VPMG Rehabilitation leave for alcohol and drug or problem gambling (VPS employees) , VPMG Special sick leave , VPMG Staff representative leave and VPMG Study leave	FF-121041
01/07/19	Instrument names amended to reflect updated conflict of interest policy	FF-135496
23/03/20	Minor amendments to reflect current process and improve clarity	FF-121041
02/06/21	Updated to reflect references to new VPM Alcohol and other drugs	FF-118693
20/09/22	Updates to incorporate changes from <i>Victorian Public Service Enterprise Agreement 2020</i> and <i>Victoria Police (Police Officers, Protective Service Officers, Police Reservists and Police Recruits) Enterprise Agreement 2019</i> and to provide further clarity following stakeholder feedback	FF-193486
04/02/23	Updated to reference CCI 01/23 Minimum station profiles and to correct a typographical error	FF-219163
28/02/23	Updated to reference CCI 03/24 General duties rostering and include another reference to CCI 01/23 Minimum station profiles in relation to service delivery needs.	FF-221918
11/01/24	Updates to reference changes to the <i>Fair Work Act 2009</i> (Cth) made by the <i>Fair Work Legislation Amendment (Secure Jobs Better Pay) Act 2022</i> (Cth). Updates to reflect CCI 01/24 Minimum station profiles .	FF-240906 FF-219163.2
29/02/2024	Updates to reflect CCI 03/24 General duties rostering .	FF-221918
14/01/2025	Minor amendments to reflect current process and improve clarity and reflect approved amendments to some processes	FF-252876