VPS Enterprise Agreement Common Policies

Leave to Engage in Voluntary Community Activities

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Authority and Application

Clause 60 of the Victorian Public Service Enterprise Agreement 2016 (Agreement) applies to Victorian Public Service Departments and Agencies (Employers) and their Employees covered by the Agreement.

Overview

Clause 60 sets out the leave available to an Employee elected to a Municipal Council or to a committee of management of a community organisation to assist them to fulfil their official functions during their term of office.

The Employer is required to grant leave with pay to an Employee elected to a Municipal Council, in accordance with clause 60 of the Agreement. Leave with pay may also be approved to an Employee elected to a committee of management of a community organisation to facilitate them to fulfil their official functions during their term in office.

Relevant provisions of the VPS Enterprise Agreement

**Clause 60. Leave to Engage in Voluntary Community Activities**

**60.1** An Employee who is elected to a Municipal Council must be granted leave with pay to fulfil their official functions during their term of office as follows:

**(a)** Mayor or Shire President – up to three hours per week, or where special occasions arise, six hours per fortnight; or

(b) Councillor – up to three hours per fortnight, or where special occasions arise, six hours per month.

**60.2** An Employee who is elected to a committee of management of a community organisation may, if the Employer agrees, be granted leave with pay to fulfil their official functions during their term of office as follows:

**(a)** Chair or President – up to three hours per week, or where special occasions arise, six hours per fortnight; or

**(b)** Committee Member – up to three hours per fortnight, or where special occasions arise, six hours per month.

Supplementary Guidance Information

1. Entitlement to leave to engage in voluntary community activities

1.1. An Employee elected to a Municipal Council is entitled to leave with pay to fulfil their official functions during their term of the office. Duration of the leave is set out in clause 60.1 of the Agreement and depends on the role the Employee has in the Municipal Council.

1.2. An Employee elected to a committee of management of a community organisation may request leave with pay to fulfil their official functions during their term of the office. Clause 60.2 of the Agreement sets out the duration of the leave which may be requested based on the role the Employee has in the relevant organisation.

1.3. The Employer may grant a request for leave referred to in clause 60.2 at its discretion. A request for leave will not be unreasonably refused, taking into account all the relevant circumstances, including but not limited to the Employer’s operational requirements.

2. Notice and evidence requirements

2.1. Applications for leave by Employees elected to a Municipal Council, and requests for leave by Employees elected to a committee of management of a community organisation must be made in writing, as soon as reasonably practicable prior to the proposed commencement of the leave.

2.2. An Employee who requests leave under this clause must provide evidence of their election or appointment, the position to which the Employee has been elected or appointed and the duration of the term of office. The Employee should also discuss with their Employer proposed leave arrangements under this clause.

2.3. For each eligible absence under clause 60 of the Agreement, an Employee’s application or request for leave to engage in voluntary community activities should include the following material:

2.3.1. the intended duration of the absence, including details of any special occasions, which may warrant the arrangement of leave in either six hours per fortnight or six hours per month format (based on the relevant leave entitlement);

2.3.2. evidence to demonstrate the number of hours required to fulfil the Employee’s official functions throughout the term of the appointment. This should include evidence of the particulars of each official function (i.e. date, time, location, any payment or benefit received); and

2.3.3. completed forms in alignment with the Employer’s conflict of interest and outside employment procedures to confirm that the appointment will not result in an actual, potential or perceived conflict of interest and (in relation to clause 60.2 of the Agreement) will not affect the efficiency or performance of the Employee’s duties.

2.4. Where the Employee’s circumstances change such that the information provided in the above completed forms change, the Employee will be required to provide new completed forms to the Employer as soon as reasonably practicable.

2.5. Where the Employee’s term of office changes (i.e. finishes early or is extended), the Employee must notify the Employer as soon as reasonably practicable.

Making decisions under this policy

Under section 20(1) of the *Public Administration Act 2004*, the public service body head has all the rights, powers, authorities and duties of an employer, which will usually be delegated to staff within their Department or Agency. Employers should ensure that any actions under this policy are only taken by an Employee with the delegation to do so. Each Department and Agency should give effect to this policy in accordance with its own delegations.

Dispute resolution

An Employee who is directly affected by a decision made or action taken pursuant to clause 60 may apply for a review of actions under the Employer’s review of actions policy or seek to resolve a dispute through the Resolution of Disputes procedure at clause 12 of the Agreement.

Further Information

Employees should refer to their Department or Agency’s intranet for information on procedural requirements, systems and approval delegations.

For further information and advice please contact your local Human Resources or People and Culture Unit (or equivalent).

Related policies or documents

VPS Enterprise Agreement Common Policies

All policies in the VPS Enterprise Agreement Common Policies collection, can be found at https://vpsc.vic.gov.au/vps-enterprise-agreement-common-policies/