

LOCAL GOVERNMENT ACT, 1960-1976.

The Municipality of the Shire of Gingin.

LG. GG-7-13.

By-Laws Relating to Granting of Long Service Leave to Employees.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the Eleventh day of December 1975 to make and submit for confirmation by the Governor the following By-Laws: -

1. The existing by-laws Relating to Long Service Lave published in the *Government Gazette* dated the 7th July, 1967 are hereby revoked.
2. The following by-laws regulating the granting of Long Service Leave to employees are hereby substituted in lieu of the repealed by-laws.

By-Laws Relating to the Granting of Long Service Leave to Employees.

1. In the interpretation of these by-laws the following words shall have meanings assigned to them hereunder:-
 - (a) "Council" means the Council of the Shire of Gingin.
 - (b) "Employees" means and includes all persons employed in any capacity by the Council and who are in regular and full time employ of the Council.
 - (c) "Continuous Service" means service in the employment of the Council during which an employee has not been absent from the service of the Council for a continuous period of more than two (2) days or an aggregate period of ten (10) days without leave of absence being granted by the Council. Provided that absence on sick leave either with or without pay shall not constitute absence without leave in respect of these by-laws.
2. All present and future employees of the Council shall after an initial service of ten (10) years continuous service be entitled to thirteen (13) weeks Long Service Leave.
3.
 - (a) All employees who have qualified for Long Service Leave after initial service of ten (1) years under By-law 2 will be entitled to thirteen (13) weeks Long Service Leave after a further period of ten (10) years continuous service.
 - (b) All employees who have qualified for two (2) terms of Long Service Leave under By-Laws 2 and 3a on the original basis of ten years' service will be entitled to the third and successive terms of thirteen (13) weeks Long Service Leave after each further seven years period of continuous service.
4. Present employees shall retain the entitlement to leave which has accrued to them by virtue of the provisions of the by-law published in the *Government Gazette* dated the 7th July, 1967, which entitlement shall be added to entitlement accrued hereunder.
5. If the employment of an employee ends before he has completed a full qualifying period in accordance with By-Laws 2, 3a and 3b of these by-laws payment in lieu of Long Service proportionate to his length of service shall be made provided if:-

- (a) he has completed at least five years continuous service and his employment has been ended by his employer for reasons other than misconduct or unsatisfactory service; or
 - (b) he is not less than 60 years of age and resigns but only if he has completed not less than 12 months continuous service prior to the day of his resignation; or
 - (c) the employee has completed not less than five years continuous service and being a female resigns to be married and then only on production of the Certificate of Marriage; or
 - (d) the employee dies after having served continuously for not less than 12 months next before his death and leaves a spouse, child or children, parent or invalid, brother or sister dependent on him; or
 - (e) the employee has completed not less than five years continuous service and resigns to take up employment with another Local Authority within Australia. Provided that his appointment to the Local Authority has been made prior to the date of resignation and such employment commences within fourteen (14) days of resignation; or
 - (f) the employee has completed one period of Long Service Leave and his employment is terminated by Council for reasons other than misconduct or by himself for any reason; or
 - (g) the employee has served not less than five years of continuous service and resigns due to approaching motherhood.
6. (a) Long Service Leave calculated under By-law 5 shall be at the rate of one and three tenths weeks on full pay for each completed year of service for Long Service Leave entitlement under By-laws 2 and 3a.
- (b) Long Service Leave calculated under By-law 5 shall be at the rate of one and six-sevenths weeks on full pay for each completed year of service for Long Service Leave entitlement calculated under By-law 3b.
7. The service of an employee shall be deemed not to include:-
- (a) Any period of service of less than 12 months.
 - (b) Any period during which an employee has been paid as a casual.
 - (c) Any other absence of the employee approved by Council not being of a type described in By-law 1(c) of these by-laws.
8. An employee dismissed for neglect of duty or for irregular practices shall not be paid any sum in pursuance of these by-laws.
9. Long Service Leave shall be taken at the convenience of the Council which will as far as practicable, meet the wishes of the employee but the Council may require the employee to take leave by giving not less than three (3) months' notice except in such cases where the employee and the employer agree to a lesser period of notice.

10. Long Service Leave shall be taken within twelve (12) months of its becoming due unless by resolution of the Council the employee is allowed to accumulate Long Service Leave up to a maximum of twenty-six (26) weeks.

11. (a) Employees taking Long Service Leave shall be paid their salary or wage for the period thereof at the rate equivalent to the permanent rates of pay (excluding conditional margins or higher duty payments) payable in the week immediately preceding the taking of Long Service Leave.

(b) Excepting where an employee is terminating his service the Council shall pay to an employee his salary or wage on a weekly basis during the period of Long Service Leave provided that the Shire Clerk may authorise payment in advance for the whole or part thereof, of Long Service Leave due.

12. (a) Public holidays which may occur during the taking of Long Service Leave and to which an employee would normally be entitled shall not be paid for over and above Long Service Leave but are to form part of such Long Service Leave.

(b) Subject to By-law 12a nothing in these by-laws contained or implied shall have the effect of depriving any employee of any privileges and rights normally conferred by his employment, nor the whole or any part of annual leave to which he would ordinarily be entitled in the year during which Long Service Leave is taken.

(c) All annual leave to which an employee is entitled or will become entitled before the expiration of his Long Service Leave shall be taken by the employee in conjunction with his Long Service Leave.

13. Excepting in respect of *pro rata* payments made under the provisions of these by-laws; Long Service Leave shall be considered as a special period of recuperation after a lengthy term of service with a view of fitting such employee for a further term. During such leave, no employee shall undertake any form of employment for hire or reward, unless by written permission of the Council. Any contravention of this by-law shall entitle the Council to dismiss the employee from its service and cease paying or to recover any amounts paid in advance on account of Long Service Leave.

14. It is the express design of these by-laws that Long Service Leave shall be a special period of recuperation. Therefore, should any employee, whilst on Long Service Leave be confined to bed through accident or illness for a continuous period in excess of two weeks a like period of Leave or such lesser period as nominated by the employee shall be added to the Long Service Leave taken and the period of confinement or in cases where the employee has nominated the additional period than that period shall be for the purpose of these by-laws recorded as sick leave. Payment for that period nominated as sick leave shall be paid from accumulated sick leave of the employee if so claimed.

If the employee has no accumulated sick leave or if no sick pay claim is made the period as described above that is recorded as sick leave shall be taken without pay.

Dated this Second day of February, 1976.

The Common Seal of the Municipality of the
Shire of Gingin was hereto affixed in the
Presence of -

N. T. FEWSTER,
President.

[L.S.]

N. H. V. WALLACE,
Shire Clerk.
