

VOLUNTARY COMMUNITY ACTIVITIES LEAVE

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Authority and Application

Clause 67 of the *Victorian Public Service Enterprise Agreement 2020* (Agreement) applies to Victorian Public Service Departments and Agencies (Employers) and their Employees covered by the Agreement.

Overview

Clause 67 sets out the leave available to an Employee elected to a Local Government Council or to a committee of management of a not-for-profit community organisation which operates under a formal legal structure subject to applicable State or Federal legislation to assist them to fulfil their official functions during their term of office.

An Employee is entitled to leave with pay of up to 10 days, per calendar year to fulfil official functions during their term as an elected member of a Local Government Council or a committee of management of a not-for-profit community organisation, in accordance with clause 67 of the Agreement. Leave will not accrue from year to year and cannot be cashed out on termination of employment.

Relevant provisions of the VPS Agreement

67 Voluntary Community Activities Leave

Supplementary Guidance Information

1. Entitlement to leave to engage in voluntary community activities

- 1.1. An Employee elected to a Local Government Council or a committee of management of a not-for-profit community organisation under a formal legal structure subject to applicable State or Federal legislation is entitled to, subject to operational requirements, up to 10 days paid leave, per calendar year, to fulfil their official functions during their term of the office.
- 1.2. Clause 67.3 of the Agreement sets out the purposes for which leave may be taken.
- 1.3. 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 under clause 67 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 clause 67 must provide evidence of their election or appointment, details of 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 67 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;
 - 2.3.2. evidence to demonstrate the number of hours requested reflects the requirement on the Employee in their official capacity, and
 - 2.3.3. evidence that the leave requested is for a reason permitted by clause 67.3 of the Agreement. This should include evidence of the particulars of each official function, community event, consultation or training program required to meet grant funding or governance obligations (i.e. date, time, location, any payment or benefit received); and
 - 2.3.4. completed declaration/statement in accordance with the Employer's conflict of interest and other employment procedures. Under s32 of the Public Administration Act and Code of conduct an employee may not engage in paid work or voluntary work that represents a conflict of interest with their VPS employment. Section 32 does not prevent an employee becoming a member of an incorporated association within the meaning of the Associations Incorporation Reform Act 2012.
- 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 67 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 13 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

- Review of Action

All policies in the VPS Enterprise Agreement common policies collection can be found at <https://www.vic.gov.au/common-policies-victorian-public-service-enterprise-agreement>

Authorised by Industrial Relations Victoria:

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