



**New South Wales
Police Force**

Parental leave for Police Officers - Policy and Procedures

HR Policy / Human Resources Command

Essential Summary

The NSW Police Force has a range of long established leave provisions in awards and policy designed to assist employees to balance work and family while maintaining service delivery. The provision of maternity, adoption and parental leave is one way in which eligible employees are able to take both paid and/or unpaid leave to meet their parenting responsibilities.

This policy outlines the nature and purpose of maternity, adoption and parental leave, setting out entitlements, eligibility criteria and other conditions that apply. It also provides the framework for commanders and managers to implement maternity, adoption and parental leave in a consistent and fair manner.

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Version #	Version approval date	Author/Position	Summary of changes
1.0	10 September 2012	HR Policy	Original document.
2.0	11 December 2013	HR Policy	Amend Index Amend Section: 2; 3; 4.1.3(a) & (b); 4.6.2; 4.8.3; 4.8.4; 4.9.1; 4.9.2; 4.9.3, 4.10.3; 4.11.1; 4.13.1; 5.2; 5.2.1; 5.2.2; 6 Delete: Section 5.3 Inclusion: 4.6.6; Section 7
4.0	December 2015	HR Policy	Include new section 4.9.2
5.0	July 2016	HR Policy	Amend document order Amendment to Section: 2; 4.1.1; 4.1.2; 4.2; 4.3; 4.4; 4.5;4.5.1; 4.5.4; 4.6; 4.6.1; 4.6.2; 4.7; 4.10; 4.11; 5.1
6.0	March 2017	HR Policy	Section 4.10 amended to clarify compensation on recall to duty.
7.0	May 2017	HR Policy	Section 4.1.1 amended to clarify annual leave entitlement in context of parental leave.

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1. Introduction

Parenting is an important responsibility and one that may be shared between partners. NSW Police Force recognises that balancing work and family commitments can at times be challenging and that flexibility in working arrangements and a healthy, supportive workplace culture play a key role in meeting those challenges.

The NSW Police Force has a range of long established leave provisions in awards and policy designed to assist employees to balance work and family while maintaining service delivery. The provision of maternity, adoption and parental leave is one way in which eligible employees are able to take both paid and/or unpaid leave to meet their parenting responsibilities.

This policy outlines the nature and purpose of maternity, adoption and parental leave, setting out entitlements, eligibility criteria and other conditions that apply. It also provides the framework for commanders and managers to implement maternity, adoption and parental leave in a consistent and fair manner.

2. Definitions

Maternity and Adoption Leave	maternity and adoption leave as defined in the Crown Employees (Police Officers 2014) Award (as replaced from time to time).
Parental Leave	short term parental leave and extended parental leave as defined in the Crown Employees (Police Officers 2014) Award (as replaced from time to time).
Primary care giver	is the parent who assumes primary responsibility for the care of the child.
Expected date of birth	means the day certified by a medical practitioner to be the day on which the medical practitioner expects the employee or the employee's partner, as the case may be, to give birth to a child.
Continuous Service	means a period during which the officer is employed by the NSW Police Force and includes all periods of paid leave, sick leave without pay and previous recognised service with another government agency which was unbroken when taking up employment with the NSWPF
Ordinary rate of pay	means the employee's base salary plus any loadings or allowances in the nature of the salary.

3. Delegations

The Commissioner's delegation to grant maternity, adoption and parental leave is held with the Manager/Commander.

4. The Policy

Employees are entitled to maternity, adoption and parental leave in accordance with relevant award provisions and this Policy. Maternity/Adoption leave entitlements do not apply in foster or surrogacy situations.

4.1. Eligibility

4.1.1. Entitlements

Employees will, subject to the conditions outlined in this policy, be entitled to maternity, adoption or parental leave as follows:

Service	Type of leave			
	<i>Maternity Leave</i>	<i>Adoption Leave</i>	<i>Parental Leave</i>	<i>Extended Maternity or Adoption Leave (Right to Request)</i>
At least 40wks continuous service	14 weeks paid leave	14 weeks paid leave	1 week paid leave	NIL paid leave
	38 weeks unpaid leave	38 weeks unpaid leave	8 weeks (short) + 43 weeks (extended) unpaid leave	52 weeks unpaid leave
	52 weeks total combined paid and unpaid leave	52 weeks total combined paid and unpaid leave	52 weeks combined paid and unpaid leave	52 weeks combined paid and unpaid leave
Less than 40wks continuous service	NIL paid leave	NIL paid leave	NIL paid leave	NIL paid leave
	52 weeks unpaid leave	52 weeks unpaid leave	8 weeks (short) + 43 weeks (extended) unpaid leave	52 weeks unpaid leave
	52 weeks total combined paid and unpaid leave	52 weeks total combined paid and unpaid leave	52 weeks combined paid and unpaid leave	52 weeks combined paid and unpaid leave
Other terms	<ul style="list-style-type: none"> • All leave summarised above is subject to the conditions outlined in this policy • Maternity leave may commence up to 9 weeks prior to the birth of the child. Additional unpaid leave may then be taken to supplement a period of 52 weeks from the birth of the child • Paid parental leave may be taken at half pay. It should be noted that this will reduce the supplement period of additional unpaid leave from 52 weeks to 24 weeks from the birth of the child • Maternity leave may be taken part time for a period of up to 2 years from the actual date of birth, or as a combination of full time and part time leave over a proportionate period of up to two years from the actual date of birth • Unpaid leave may be supplemented with accrued annual leave. Unpaid leave can also be supplemented with extended leave, taken at full or half pay. 			

Except as provided for in section 4.5, maternity, adoption or parental leave is to be granted without pay.

4.1.2. Commonwealth Paid Parental Leave

Employees eligible for parental leave under this policy may also be eligible for the Commonwealth Paid Parental Leave Scheme (refer to [Commonwealth Paid Parental Leave – A guide for Commanders, Managers and Employees](#))

4.2. Maternity Leave

Employees are entitled to take maternity leave as provided for in section 4.1.1.

An employee who is planning their maternity leave arrangements should be aware that maternity leave must commence no later than the day of birth of the child.

4.3. Adoption Leave

Adoption leave is applicable when a child is placed in the care of an employee as part of the process of adoption, which means that either an adoption has occurred at the time of placement, or the adoption process has commenced and is expected to occur in the future if the arrangement proves suitable.

Adoption leave commences on the date an employee takes custody of the child concerned, whether that date is before or after the date on which a court makes an order for the adoption of the child.

An employee who adopts a child and is the primary care giver will, subject to conditions outlined in this policy, be entitled to adoption leave:

- a) if the child has not commenced school at the date of the taking of custody, for a period of up to 12 months; or
- b) if the child has commenced school at the date of the taking of custody, for a period as determined by the manager/commander, not exceeding 12 months on a full time basis; or
- c) part-time for a period of up to 2 years in relation to paragraphs (a) and (b) above; or
- d) as a combination of full-time and part-time over a proportionate period up to two years.

In the case of an Australian adoption an employee is to provide written confirmation of adoption and the date of custody.

In the case of an overseas adoption, for adoption leave to be granted, the adoption must be legally recognised by the Department of Immigration and Border Protection and written proof provided.

4.4. Short term parental leave and extended parental leave

Where an employee is not entitled to maternity or adoption leave as defined within this policy, parental leave is available to male and female employees who request leave to look after their child or children, or who have become primary care givers under exceptional circumstances. Parental leave includes:

- a) Short term parental leave - an unbroken period of up to one weeks leave at the time of the birth of the child or other termination of the pregnancy. A request to extend this period may be made in accordance with section 4.9.
- b) Extended parental leave - unpaid leave for a primary carer for a period not exceeding 12 months. It may be taken part time over a period not exceeding two years, or may be taken partly full time and partly part time over a proportionate period. A request for further parental leave may be made and assessed in accordance with section 4.5.4. Extended parental leave may commence at any time up to two years from the date of the birth or adoption of the child.

4.5. Payment of Leave

4.5.1. Maternity and Adoption Leave

An employee who is granted maternity or adoption leave will be paid at the ordinary rate of pay for a period not exceeding 14 weeks provided the employee:

- a) applied for maternity or adoption leave within the time and in the manner outlined in section 5 of this policy; and
- b) has completed no less than 40 weeks continuous service prior to the commencement of maternity or adoption leave

The paid component of maternity or adoption leave must be taken at the commencement of leave.

Maternity and adoption leave are paid at the rate applicable when the leave is taken. An employee working full time is paid at the full time rate whereas a permanent part time employee is paid at their contracted part time rate.

A full time employee who is on full time or part time leave without pay when they commence maternity or adoption leave:

- a) is paid at the full time rate if they commenced full time or part time leave without pay 40 weeks or less before starting maternity or adoption leave.
- b) is paid at the part time leave without pay rate if they commenced part time leave without pay more than 40 weeks before starting maternity leave and have not changed their part time leave without pay arrangement for 40 weeks before commencing leave.
- c) is paid at the rate based on the average number of weekly hours worked during the 40 week period if they have been on full time or part time leave without pay

for more than 40 weeks but have changed their full time or part time leave without pay arrangement during that period.

- d) will not be paid for any maternity or adoption leave if they commenced full time leave without pay more than 40 weeks before starting maternity leave and have not changed their full time leave without pay arrangement for 40 weeks before commencing leave.

Any period of maternity or adoption leave, with or without pay, is not included in these calculations.

An employee who has been working on a part time leave without pay basis for more than 40 weeks and subsequently applies for maternity leave should not be reverted to full time status for a short period immediately prior to the commencement of leave, for the purpose of obtaining payment for maternity leave at the full time rate.

Where an employee has a genuine reason to return to full time employment, and there are meaningful duties to be performed, the Manager / Commander has the discretion to revert the employee to full time employment. In such circumstances, the employee must be on full time hours for a minimum of two full 6 week roster periods prior to the date of commencement of leave.

4.5.2. Parental Leave

An employee who is granted parental leave is entitled to payment at the ordinary rate of pay for a period of up to one week provided she/he:

- a) applied for parental leave within the time and in the manner determined under section 5 of this Policy and Procedures.
- b) prior to the expected date of birth or adoption, completed not less than 40 week's continuous service.

4.5.3. Pay arrangements

An employee may have their maternity, adoption or short-term parental leave paid in advance as a lump sum; or fortnightly at full or half pay; or a combination of full and half pay.

4.5.4. Second or subsequent period of maternity or adoption leave

If an employee is on part time or full time leave without pay and commences a second or subsequent period of maternity, adoption or parental leave they will be entitled to be paid maternity, adoption or parental leave in accordance with section 4.5.1.

Tools are available to assist employees with part time maternity leave without pay calculations on the [Payroll Service Forms](#) intranet site. It is important to note that these calculations are indicative only, with final calculations performed by Payroll Services at the time of the child's birth.

4.6. Use of other leave

Where paid and unpaid leave is available to be granted paid leave is to be taken before unpaid leave.

4.6.1. Annual leave, extended leave or leave without pay

An employee may apply for accrued annual leave, extended leave or leave without pay before taking maternity leave. Any such leave is to cease the day prior to the employee commencing their nominated period of maternity leave, or the day before the date of birth of the child, whichever occurs first.

An employee may elect to take available full time annual or extended leave following the period of paid maternity, adoption or parental leave. This period of leave will be treated as an extension of the maternity, adoption or parental leave period.

4.6.2. Sick leave

Sick leave prior to maternity leave is available to all employees who are ill and includes a “pregnancy related illness”. It is not however available where an employee is not ill but is experiencing the normal physical effects of late pregnancy such as tiredness. In such circumstances an employee may access maternity leave up to 9 weeks prior to the date of birth or other paid or unpaid leave such as annual leave or extended leave.

An employee who is on maternity, adoption or parental leave, or who has elected to take available annual or extended leave (including annual leave at a part time rate) following maternity, adoption or parental leave in line with section 4.6.1, has no entitlement to sick leave during this period.

An employee who has been granted maternity leave and whose child is stillborn may elect to take available sick leave instead of maternity leave.

An employee who has a miscarriage should have access to available sick leave for any absence from work. For the purposes of this policy a miscarriage is a pregnancy that ends within the first 19 weeks.

4.7. Payment of annual leave at a part time rate

An employee returning to work after maternity, adoption or parental leave in a part time capacity who enters into a formal part time agreement may commence that arrangement with a period of annual leave that reflects the new part time arrangement (refer [Part Time Work for Police Officers Policy and Guidelines](#))

4.8. Leave accrual and incremental progression

4.8.1. Leave accrual

Any period of maternity leave or adoption leave paid at the full time rate is to be counted as service, and half of any period of maternity leave or adoption leave paid at the rate of half pay is to be counted as service.

Any period of maternity, adoption or parental leave taken as full time leave without pay is not to be counted as service. The exception to this is in the case of extended leave accrual, i.e. once 7 years service has been completed any period of leave without pay, not exceeding 6 months is recognised as service.

4.8.2. Incremental progression

A period of maternity leave or adoption leave paid at the full time rate or at half pay is to be counted as service for the purposes of incremental progression.

Any period of full time maternity, adoption or parental leave without pay is not to be counted as service for the purposes of incremental progression.

4.9. Right to request additional maternity, adoption or parental leave

An employee who has been granted maternity, adoption or parental leave may make a request in writing to the manager/commander to:

- a) extend the period of short term parental leave as provided for in section 4.4 of this policy to an unbroken period of 8 weeks unpaid leave.
- b) extend the period of unpaid maternity, adoption or parental leave for a further continuous period of full-time leave not exceeding 12 months;
- c) return from a period of full time maternity, adoption or parental leave on a part-time basis until the child reaches school age. Any part time requests should be considered with reference to the [Part-time Work for Police Officers Policy](#).

All requests for additional leave should be made at least 4 weeks prior to the end of the original period of leave. Such request must be made on Part D of the Parental Leave Form.

The Manager/Commander will consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the officer's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or operational grounds. Such grounds may include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.

The decision of a Manager/Commander whether to approve an additional period of leave must be recorded on Part D of the Parental Leave Form.

4.10. Recall to duty during paid portion of maternity or adoption leave

There may be exceptional circumstances where an employee is required to return to duty for a short period within the overall period of maternity or adoption leave to attend to work requirements, for example, finalising a criminal matter, or to attend court.

A recall from maternity leave should not occur within the first 6 weeks after the birth of the child, unless a medical practitioner certifies that the employee is fit to do so.

An employee who is recalled from paid maternity or adoption leave will have one day added to the period of such leave for each day or part day involved in the recall.

An employee who is on maternity leave or adoption leave at half pay and is recalled from duty will:

- a) be paid at the full ordinary rate of pay for all time actually worked on any such recall with a minimum of 3 hours (i.e. half pay topped up to full time rate), and
- b) have a leave adjustment of one day at half pay maternity or adoption leave for each day or part of a day involved in such recall, added to the period of leave.

Any incidental expenses such as child care which arise as a consequence of the recall will not be reimbursed.

Employees on the Commonwealth Paid Parental Leave Scheme should make independent inquiries with the appropriate body regarding the impact recall to duty may have on the scheme's Keep in Touch days, and any subsequent notifications that may be required of the employee.

4.11. Early return to work

An employee may return to full time duty from maternity, adoption or parental leave earlier than the leave dates originally indicated. The intention to return to work early must be notified to the Manager/Commander in writing. A minimum of 4 weeks' notice must be given wherever practicable.

An employee who has returned to full time duty without exhausting their entitlement to 12 months unpaid maternity, adoption or extended parental leave is entitled to return to such leave once only, provided that it occurs within the overall 12 month period. A minimum of 4 weeks' notice must be given wherever practicable.

4.12. Right of return to former position

If an employee on maternity leave resumes duty before the child's first birthday or on the expiration of 12 months from the date of birth of their child, they will be entitled to

resume duty in the position occupied immediately before the commencement of maternity leave.

If an employee resumes duty at the expiration of adoption or extended parental leave they will be entitled to resume duty in the position occupied immediately before the commencement of such leave.

An employee does not have a right to their former position during a period of return to work on a part time basis. If the Manager/Commander approves a return to work on a part time basis then the position occupied is to be at the same rank as their former position as available within the NSWPF.

A pregnant employee who is temporarily provided alternative duties for a temporary period in accordance with the pregnancy policy has a right of return to the position occupied immediately before the placement.

If the position occupied by an employee ceases to exist, the employee is entitled to be appointed (subject to the availability of other suitable positions) to another position at the same rank as the employee's former position.

4.13. Communication during maternity, adoption or parental leave

Where an employee is on maternity, adoption or parental leave and a definite decision has been made to introduce significant change at the workplace, the Manager/Commander will take reasonable steps to:

- a) make information available in relation to any significant effect the change will have on the status or level of responsibility of the position the employee held before commencing parental leave; and
- b) provide an opportunity for the employee to discuss any significant effect the change will have on the status or level of responsibility of the position the employee held before commencing maternity, adoption or parental leave.

To support their continual engagement with Command activities, an employee can request that all Command-wide emails are forwarded to their home email address during their absence on maternity, adoption or parental leave.

An employee will take reasonable steps to inform his or her Manager/Commander:

- a) of any significant matter that will affect their decision regarding the duration of maternity, adoption or parental leave to be taken,
- b) whether they intend to return to work and whether they intent to request work on a part time basis.

An employee is required to notify their Manager/Commander of changes of address or other contact details which might affect the capacity of a Manager/Commander to comply with this section of this policy.

4.14. Effect of maternity, adoption or parental leave on superannuation

Employer contributions to superannuation, consistent with full-time or part-time leave being taken, will continue during any period of paid maternity, adoption or parental leave.

An employee should make independent inquiries with the appropriate superannuation fund regarding the impact maternity, adoption or parental leave may have on their contributions and/or entitlements.

4.15. Workers Compensation

At least 4 weeks prior to the commencement of a period of maternity leave an employee with an ongoing workers compensation claim is required to advise the Workers Compensation Claim Processing Unit, Shared Services (in a report via chain of command) of the nominated start date for maternity leave and their particular circumstances so that their entitlement to ongoing workers compensation can be reviewed by the NSW Police Insurer (EML).

On advice regarding pregnancy and the commencement of maternity leave the NSWPF Insurer (EML) will review an employee's particular circumstances and determine any eligibility to ongoing workers compensation payments during the period of maternity leave.

5. Procedures for applying and granting of leave

5.1 Employee responsibilities

At least 8 weeks (or as soon as practicable) before the expected commencement of maternity, adoption or parental leave an employee must advise their commander:

- a) that they intend to take maternity, adoption or other parental leave, and
- b) the expected date of birth or the expected date of placement.

Notification should be recorded under **Part A** of the [Parental Leave Form](#).

At least 4 weeks before an employee's expected date of commencing maternity, adoption or parental leave they must notify the commander:

- a) of the date maternity, adoption or parental leave is to commence, and
- b) the total period of leave to be taken, including maternity, adoption or parental leave, other leave to be taken and any leave without pay.

Notification should be recorded under **Part B** of the [Parental Leave Form](#).

An employee on maternity leave is to notify her commander of the date on which she gave birth as soon as she can conveniently do so.

An employee must notify their commander as soon as practicable of any change in their intentions as a result of premature delivery or miscarriage.

Within the first 12 months of maternity or adoption leave (full time or part time) an employee may change the period of leave once without the consent of their manager/commander, and any number of times with consent. In each case the employee must give their manager/commander at least 2 weeks' notice of the proposed change.

Any change in leave should be recorded under **Part C** of the [Parental Leave Form](#).

An employee intending to request to return from maternity, adoption or parental leave on a part time basis or seek an additional period of leave of up to 12 months must notify the commander in writing as soon as practicable and preferably before the beginning of maternity, adoption or other parental leave. If the notification is not given before commencing such leave, it may be given at anytime up to 4 weeks before the proposed return on a part time basis or the commencement of the additional period of leave, unless the commander agrees to a shorter period.

The above notification should be recorded under **Part D** of the [Parental Leave Form](#).

Employees intending to return from full time parental leave should contact their commander/manager prior to returning to work, to discuss future business requirements that may help to inform their decisions regarding child care options.

5.2 Manager/Commander responsibilities

Once a Manager/Commander has been advised of an employee's intention to take maternity, adoption or parental leave they should ensure that the employee is:

- a) advised of her/his entitlements in accordance with award provisions and responsibilities under this Policy; and
- b) referred to the following policy documents to assist them with decisions they may need to make around balancing work and family:
 - Part time Work for Police Officers Policy
 - Breastfeeding Policy
 - Flexible work practices and family friendly information package
 - Carers' responsibilities guidelines

Prior to an employee going on maternity, adoption or parental leave Managers/Commanders should discuss any service delivery / business requirements that may impact on the provision of any part time work request following a period of parental leave.

To assist with any negotiations around requests for part time work following a period of maternity, adoption or parental leave, employees should also be encouraged to identify part time work options that balance work and family commitments.

6. Other

Commonwealth Paid Parental Leave

Refer to: *Commonwealth Paid Parental Leave Guide for Commanders, Managers and Employees.*

Related Documents

Pregnancy procedures

Flexible work arrangements guidelines and procedures

Part time work for police officers policy and guidelines

Breastfeeding policy

Crown Employees (Police Officers – 2014) Award

Commissioner's Notice 94/96

Further information on payment and calculations can be found within the [Personnel Handbook](#) Chapter 6

References

Anti-Discrimination Act 1977 (NSW)

Work Health and Safety Act 2011 (NSW)

Industrial Relations Act 1996 (NSW)

7. Further Information

HR Policy: Ph: (02) 8835 8195 or Eaglenet: 28195
or #HRPOLICY

Employee Relations Ph: (02) 8835 9553 or Eaglenet 29553
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