

Section 8 - Personnel

8.1 Preamble

Applying to all matters in relation to personnel and employment –

Local Government Act 1995 –

s.5.41 Functions of CEO

The CEO's functions are to –

- d) manage the day to day operations of the local government; and
- g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

Local Government (Model Code of Conduct) Regulations 2021 r.20 Relationship with local government employees

2. A council member or candidate must not

- a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
- b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.
- c) act in an abusive or threatening manner towards a local government employee.

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Policy 1.1 – Code of Conduct

For clarification regarding appointment, management and direction of employees –

Employee class	Council involvement	Elected member / Committee involvement	CEO involvement
CEO	<u>Required</u> . May delegate selection and interview to a Committee. Appointment must be by Council resolution.	<u>Permitted</u> – to interview and recommend to Council. <u>Prohibited</u> – to appoint, manage or direct.	As directed by Council, usually limited to process, research and reporting on an applicant.
Senior Employees LG Act s.5.37	<u>Required</u> – to consent to appointment or dismissal. <u>Permitted</u> – Interview & recommendation can be done by CEO alone or with elected member input. <u>Prohibited</u> – management or direction.	<u>Permitted</u> – to interview and recommend to Council. <u>Prohibited</u> – to appoint, manage or direct.	<u>Required</u> to initiate / consent to appointment or dismissal. <u>Statutory function</u> – to manage and direct.
EHO	<u>If designated senior officer</u> – as above, otherwise – <u>In all cases</u> – qualification must comply with Public Health Act 2016 s.17. refer also <i>Government Gazette</i> of 24 Jan 2017 – Designation of Health Authorised Officers		
Other staff (non-designated)	<u>Prohibited</u> – Involvement in appointment, management or direction.	<u>Prohibited</u> – involvement in appointment, management or direction.	<u>Statutory function</u> – to appoint, manage, direct etc.

8.2 Employees – Training, Study and Education

POLICY STATEMENT

Where an employee attends training approved by the CEO, permitted rates for daily accommodation and breakfast and dinner, if not included in the training/conference cost are –

- i) those in accordance with the Australia Taxation Office Reasonable Travel Allowances
- ii) to be reimbursed or authorised through purchasing procedures, and
- iii) not an allowance paid to the employee.

Any expenses for alcohol are to be met by the employee.

APPLICATION

This Policy applies to all employees at the Shire, except casual employees unless otherwise stated.

OBJECTIVE

Encourage employees to attend training opportunities for which in turn will have potential benefit to the Shire.

Establish levels of accommodation and reimbursement that may be applicable to employees in the when participating in training, study and education.

STATUTORY CONTEXT

Local Government Act 1995

Public Health Act 2016

Building 2011 and Regulations

Occupational Safety and Health Act 1984

CORPORATE CONTEXT

Procedures Manual –

Use of Fleet Vehicles – Work and Private Use

Use of Private Vehicles – Work Purposes

HISTORY

Former Policy 20 December 2018

Revised 25 October 2023

REFERENCES

Australian Taxation Office

<https://www.ato.gov.au/law/view/pdf/pbr/td2023-003.pdf>

8.3 Leave – Community Service

POLICY STATEMENT

Allows for employees to access leave for the following circumstances –

- i) jury service / duty;
- ii) voluntary emergency management activities;
- iii) defence forces reserve activities.

To provide executive instruction in the event that an employee is absent from employment for a period (including reasonable travel and rest time) to engage in an eligible community service activity or an activity that is of a community service nature.

APPLICATION

An employee has the definition of paid staff – full time, part time, permanent, casual, or under contract.

Community Service Leave in this Policy refers to leave associated with an employee who is absent from work for purposes of engaging in a voluntary activity.

Voluntary activity is where an employee engages in a voluntary activity, and the following criteria are met;

- i) the activity is either of:
 - a) voluntary community activity, or
 - b) voluntary emergency management activity.
- ii) the employee engages in the activity on a voluntary basis;
 - a) the employee was requested by or on behalf of the body to engage in the activity;
 - b) no such request was made, but it would be reasonable to expect that, if the circumstances had permitted the making of such a request, it is likely that such a request would have been made.

A voluntary community activity is where an employee engages in a voluntary emergency management activity if all the following criteria are met:

- i) the employee engages in an activity that involves the community generally or a significant portion of the community;
- ii) the employee is a member of, or has a member-like association with, a recognised community organisation.

Voluntary emergency management activities are where an employee engages in a voluntary emergency management activity if all the following criteria are met:

- i) the employee engages in an activity that involves dealing with an emergency or natural disaster;
- ii) the employee is a member of, or has a member-like association with, a recognised emergency management body.

It is the responsibility of the employee to notify the Shire details of any volunteer commitments and arrangements upon commencement of employment or commencement of volunteer emergency management service.

Volunteer activities should preferably take place within the Shire area. However, consideration will be given for approval for leave of this type for volunteering activities outside of the Shire's area.

Access to Community Service Leave for the will be in the form of unpaid leave. Granting of paid Community Service Leave to eligible employees is at the discretion of the CEO.

Employees accessing Community Service Leave must notify their supervisor as soon as is practicable of the period, or expected period of absence. Employees must also provide evidence supporting their application for Community Service Leave.

Employees who are selected for jury duty must advise their supervisor as soon as possible of the dates and submit the relevant documentation to Payroll.

As required under West Australian Law, the Shire will continue to pay the employee their usual wages while the employee attends jury duty. Reimbursement of the cost of the employees' wages while on jury duty will be sort from the WA Sherriff's Office.

Application for Community Service Leave can be made by completing a leave application form and submitting it to employees supervisor or manager, as soon as practicable and with sufficient evidence for taking the leave.

Approval after the event will only be considered in the case of emergency response.

OBJECTIVE

To provide guidance for volunteers serving the community in a variety of capacities.

Community Service Leave is designed to support the local community in engaging volunteers to support emergency services such as firefighting, defence reservists leave and recognising the commitment of Shire employees to engage in volunteer service.

STATUTORY CONTEXT

Fair Work Act 2009 (Commonwealth)
Juries Act 1957
National Employment Standards
Local Government Industry Award 2010

CORPORATE CONTEXT

Code of Conduct for Employees

HISTORY

Former Policy 20 December 2018
Revised 25 January 2023

REFERENCES

None

8.4 Workplace Surveillance

POLICY STATEMENT

The Shire may deploy electronic surveillance devices to protect assets, equipment and people through the recording of unauthorised, unlawful, inappropriate, or dangerous activities or incidents to improve community and employee safety.

Fixed and mobile cameras (of either the motion / CCTV or still variety) may be installed in areas where assets or equipment are stored or commonly used, in vehicles or machinery, or in high risk work areas.

Cameras may be placed in unobtrusive positions covering the area to be protected. Cameras must not be placed inside toilets or change rooms, residences, or in such a position as to view inside these premises. The Shire will erect signs to inform employees and community members that cameras are in use.

Global Positioning System (GPS) devices may be utilised in vehicles or equipment where the operator is often required to work alone, where there are risks associated with the tasks being carried out by an employee or where the Shire has a need to monitor and protect that vehicle or equipment.

APPLICATION

This Policy applies to all employees who work at the Shire including contractors, volunteers and any person performing work for or with the Shire in any capacity.

It is not the intention of the Shire is not to deploy workplace surveillance for the general management of the Shire's employees. However, if any workplace surveillance demonstrates an employee acting in an antisocial, inappropriate, or unlawful manner, the Shire may use this information for disciplinary or other appropriate action.

Images that indicate unauthorised or inappropriate activity, either through a record of that activity or due to interference with the camera, are to be referred to the Chief Executive Officer. The CEO will retain these images and any associated information in a secure, confidential location.

Image information or data recorded is to be discussed with the Chief Executive Officer. No information regarding the location of surveillance devices or images recorded is to be released or discussed with any other person, except with the approval of the Chief Executive Officer or if required by law.

If an activity identified by any workplace surveillance device is suspected to be criminal in nature, the matter will be reported to the Police

The Shire may also be obligated to refer any breach of this Instruction to an external agency where an employee, contractors or other persons may be held personally liable for their actions.

OBJECTIVE

The Shire is committed to providing a safe environment for its employees and the community in which unlawful, antisocial, and inappropriate activity is kept to a minimum while respecting the individual rights to privacy. The Shire will ensure that the use of workplace surveillance complies with the requirements of the relevant legislation including the Surveillance Devices Act 1998 (WA).

To establish framework for any workplace surveillance undertaken, including GPS tracking of vehicles.

STATUTORY CONTEXT

Surveillance Devices Act 1998

CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct

HISTORY

Former Policy 20 December 2018

Revised 25 October 2023

REFERENCES

Privacy Act 1988

8.5 Employees - Recognition of Service (Gratuity)

POLICY STATEMENT

An employee, whose employment is finishing, may be paid a gratuity payment when their employment is ceasing due to –

- i) Resignation (not as a result of any performance management or investigation being conducted or pending/potential disciplinary action by the Shire);
- ii) Retirement; or
- iii) Redundancy.

APPLICATION

Long serving employees may be recognised within the parameters set *by section 5.50 of the Local Government Act 1995* and the associated Regulations.

1. Gratuity - The CEO in consultation with the relevant Manager, may –
 - i) provide a gratuity to a qualifying employee in the form of a gift card or voucher, preferably from a local business within the Shire,
 - ii) exercise their discretion to provide money instead of a gift card or voucher.

In some circumstances,

- i) Council may consider it appropriate to make a payment greater than that specified by this policy. In which case local public notice is required to be given in relation to the proposed gratuity in accordance with the Local Government Act s.5.50 (2) and is not to exceed the amounts as set in the Local Government Administration Regulations 1996, specifically regulation 19a.

2. Determining Service - continuous service shall be deemed to include;
 - i) any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
 - ii) any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
 - iii) any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

Continuous service shall exclude –

- i) any period of unauthorised absence from duty unless the CEO determines otherwise;
- ii) any period of unpaid leave unless the CEO determines otherwise; or
- iii) any period of absence from duty on parental leave unless the CEO determines otherwise.

3. Prescribed amounts for Gratuity Payments - Gratuity payments should be calculated based on the following prescribed amounts –

- i) Service less than 2 years continuous service - Nil;
- ii) Continuous service of 2 years but less than 5 years - to the value of \$30 per year of service;
- iii) Continuous service greater than 5 years - to the value of \$50 per year of service maximum payment of \$1,000

- iv) Pro-rata calculation is to be made for casual or part-time employees.

- v) The employee has full responsibility for any taxation payable on a gratuity payment.

An employee who has been dismissed by the Shire for any reason other than redundancy, will not be eligible to receive any payment under this policy.

OBJECTIVE

To outline the circumstances and value of any gift or recognition given to an employee when leaving Shire employment.

STATUTORY CONTEXT

*Local Government Act 1995 –
s.5.50 – Payments or gifts to employees in addition to Award or contract*

Local Government (Administration) Regulations 1996 –
specifically Regulation 19A

CORPORATE CONTEXT

None

HISTORY

Former Policy 20 December 2018
Revised 25 October 2023

REFERENCES

Statutory requirements –
*Local Government Act 1995 –
s.5.50 – Payments or gifts to employees in addition to Award or contract*

5. The CEO must publish the policy prepared under subsection (1) and adopted by the local government on the local government's official website.

8.6 Employee Superannuation

POLICY STATEMENT

This Policy applies to all employees whether the full-time, part-time or casual.

The Shire will match any additional contribution in excess of the Superannuation Guarantee Contribution to a maximum of 4.0% of salary.

APPLICATION

Employees have freedom of choice over the complying fund that their Superannuation Guarantee Contributions (SGC) are paid into.

The superannuation default fund shall be the WA Super.

Employees may elect to contribute additional superannuation, either as a deduction (after tax) or as salary sacrifice (before tax).

Employees can voluntarily contribute more than the threshold but will not receive a further contribution from the Shire.

The additional contribution and the voluntary contribution can be deposited into the employee's fund of choice.

OBJECTIVE

To establish the level of contributions to superannuation in addition to the SGC.

STATUTORY CONTEXT

Superannuation Guarantee (Administration) Act 1992

CORPORATE CONTEXT

None

HISTORY

Former Policy 20 December 2018
Revised 25 October 2023

REFERENCES

<https://www.ato.gov.au/Rates/Key-superannuation-rates-and-thresholds/?page=7>