

# Payments to Employees above Contract or Award Policy

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## Introduction

This policy is intended to ensure any payments made to employees finishing their employment, in addition to their contract or award, complies with the conditions prescribed by the *Local Government Act 1995*.

## Application

This policy applies to all employees of the Shire of Toodyay except the CEO and those designated as Senior Employees, if any, in which case the terms of the Contract of Employment and relevant legislation shall apply.

## Policy Intent including Legislative and Strategic Context

To meet the requirements of the following two legislative provisions:

- Section 5.50 of the *Local Government Act 1995* requires local governments to prepare a policy in relation to employees whose employment with the local government ends for whatever reason.
- Regulation 19A of the *Local Government (Administration) Regulations 1996* defines the limits of payments in addition to contract or award.

## Policy Conditions

Any gift or payment that exceeds the limits set out in this policy must be notified through Local Public Notice in accordance with the legislation.

## Manner of Assessment

1. The CEO may negotiate a payment to an employee within the statutory limits set out in Regulation 19A where:
  - The employee resigns from their position; or
  - The employee's position is made redundant; or
  - The employee agrees to resign or is dismissed in circumstances that might give rise to an unfair dismissal claim, whether likely to succeed or not, and the payment is the subject of a valid deed of separation.
2. The CEO may provide a gift to an employee who is resigning or whose position is being made redundant in recognition of long and loyal service to the Shire of Toodyay. Such a gift is in addition to any entitlements under any industrial award agreement or employment contract.

## Value of Gifts

Council's contribution to staff leaving its employment is as follows:

Completed Continuous Years of Service	Monetary Value
Up to 2	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
2 +	<ul style="list-style-type: none"> <li>• Council sponsored sundowner (all staff and the departing officer's partner) commencing at 5.00pm and closing at 7.00pm, with finger food, beer, wine and soft drink.</li> <li>• Council to purchase a gift up to the value of \$100.</li> </ul>
5 years +	<ul style="list-style-type: none"> <li>• Council sponsored sundowner (elected members, staff and the departing officer's partner) commencing at 5.00pm and closing at 7.00pm, with finger food, beer, wine and soft drink.</li> <li>• Council to purchase gift to the value of \$100 plus \$15 for each year of service plus presentation of a suitably engraved plaque.</li> <li>• Council to purchase an appropriate gift for the partner of the employee up to the value of \$50.</li> </ul>
20 years +	<ul style="list-style-type: none"> <li>• Council sponsored reception (elected members, staff and partners).</li> <li>• Council to purchase a gift to the value of \$500 plus \$15 for each year of service plus presentation of a suitably engraved plaque.</li> <li>• Recognition to be made through the local media by inviting them to attend the function. Council to purchase an appropriate gift for the partner of the employee up to the value of \$50.</li> </ul>

Employees with more than 5 years' service may be allowed at the CEO's discretion, to retain a mobile telephone or other device, provided that the device is no longer under contract and has no residual value, or the employee is prepared to pay out the balance of the contract price or residual value, and the transfer of the phone number would not be unduly disruptive to the organisation. All Shire information would be deleted from the phone or device and factory setting restored.

## 1. Reference Information

**Related Documents** N/A

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**Related Legislation** Equal Opportunity Act 1984

Fair Work Act 2009

Workers Compensation and Injury Management Act 1981

**Associated Forms and Attachments** N/A

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