

Leave Procedure

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Scope & Purpose

To outline the process for applying for leave and provide detail of the various leave types available to staff at Star Aviation (Star).

Application

This procedure applies to all Star employees.

Roles and Responsibilities

Employees are to:

- apply for any and all leave taken,
- provide appropriate notice and evidence as required.

Team Leaders/Managers are to:

- approve or deny leave in a timely manner,
- check with payroll or HR re. any entitlements or eligibility when unsure.

GM and Heads of Departments (HoD) are to

- ensure compliance with this procedure, the NES, Award/s and legislation.

Annual Leave

Annual leave entitlements, as per the NES, are 4 weeks (20 working days) per year (part-timers accrue based on their ordinary hours of work).

Regular continuous shift workers may be entitled to an additional 1 weeks (5 working days) leave. Annual leave accumulates from the first day of employment, even if an employee is in a probation

period. The leave accumulates gradually during the year and any unused annual leave will roll over from year to year.

Annual leave accumulates when an employee is on:

- paid leave such as paid annual leave and paid sick and carer's leave
- community service leave, including jury duty
- long service leave.

Annual leave does not accumulate when the employee is on:

- unpaid annual leave
- unpaid personal (sick/carer's) leave
- unpaid parental leave
- unpaid family and domestic violence leave.

Annual leave is subject to Management approval to ensure operations will not be impacted. All annual leave must be approved by your supervisor and Star encourages employees to discuss annual leave plans before making holiday arrangements as it may not always be possible to grant leave during specific periods.

An annual 'Leave Application' should where possible, be lodged in Swag, at least four weeks in advance in order to increase the likelihood of approval from your supervisor.

There is no minimum or maximum amount of annual leave that can be taken at a time. Provided both parties agree, an employee can take a part day, single day or a number of days or weeks off. Employees do not need to take all of their annual leave at once.

Annual leave is paid at the employee's base pay rate for all ordinary hours worked plus a loading of 17.5% or average hourly rate, whichever is greater. Annual leave can only be cashed out when an award or registered agreement allows it.

Leave during a Stand Down Period

Employees who are stood down without pay by their employer under the Fair Work Act can't use paid sick and carer's leave or compassionate leave during the stand down.

Employees can use other types of leave by agreement with their employer during a stand down. Examples include:

- Annual leave
- Long service leave

Personal Leave

Full-time and part-time employees are entitled to 10 days Personal Leave per year (pro-rated for part-time employees), as outlined in the NES.

Full-time and part-time employees are eligible for paid and unpaid personal leave. Casual employees are eligible for unpaid carer's leave.

An employee cannot take unpaid personal leave during a particular period if the employee could instead take paid personal leave (this does not apply to casuals who have no entitlement to paid personal leave).

Personal leave covers both sick leave and carer's leave:

- Sick leave - the employee is unfit for work because of their own personal illness or injury.
- Carers leave - the employee is required to provide care or support to a member of their immediate family, or a member of their household, because of an illness, injury or unexpected emergency.

Immediate family as defined in the Fair Work Act is:

- a) a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee;
or
- b) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee.

An employee's entitlement to paid personal leave accrues progressively during a year of service according to the number of ordinary hours worked and accumulates from year to year.

Personal leave continues to accrue when an employee takes a period of paid personal or paid annual leave. Personal leave does not accrue on unpaid leave unless it is community service leave, or it is provided for in an award. Unused personal leave is not paid out upon termination.

Employees are encouraged to give as much notice as possible to their supervisor when taking personal leave. Notification must include the period or expected period of the leave. Employees are required to provide reasonable evidence for any absences, which include an original medical certificate or statutory declaration. Failure to provide reasonable evidence within 2 business days may result in the employee not being entitled to the leave and you may not be paid for that period.

Personal leave cannot be cashed unless an award allows it.

Unpaid Carer's Leave

All employees, including casual employees, are entitled to take up to two days unpaid carer's leave for each occasion when an immediate family or household member requires care or support because of an:

- illness,
- injury or
- unexpected emergency.

Full-time and part-time employees can only access unpaid carer's leave if they do not have any paid personal leave left.



Compassionate Leave

All employees (including casual employees) are entitled to compassionate leave (also known as bereavement leave).

Compassionate leave can be taken when a member of an employee's immediate family or household:

- a) contracts or develops a personal illness that poses a serious threat to his or her life; or
- b) sustains a personal injury that poses a serious threat to his or her life; or
- c) dies.

Immediate family as defined in the Fair Work Act is:

- a) a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee;
or
- b) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee.

The entitlement to compassionate leave is 2 days per occasion. Compassionate leave can be taken as:

- a single continuous 2-day period or
- 2 separate periods of 1 day each or
- any separate periods the employee and Star agree to.

An employee does not accumulate compassionate leave. It may be taken any time an employee needs it, provided it satisfies the criteria above. If an employee is already on another type of leave (e.g. annual leave) and needs to take compassionate leave, the employee can use compassionate leave instead of the other leave with appropriate evidence.

Full-time and part-time employees receive paid compassionate leave. Full-time and part-time employees are paid at their base pay rate for the ordinary hours they would have worked during the leave. This does not include separate entitlements such as incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates.

Casual employees receive unpaid compassionate leave.

Compassionate leave cannot be cashed out.

An employee taking compassionate leave must give their Manager notice as soon as they can (this may be after the leave has started). The employee must tell their Manager of the period, or expected period, of the leave.

Star Aviation can request evidence about the reason for compassionate leave (e.g. a death or funeral notice or statutory declaration). This request for evidence must be reasonable. If the employee does not provide the requested notice or evidence, they may not be entitled to compassionate leave.

Family and Domestic Violence Leave

All employees (including part-time and casual employees) are entitled to 10 days paid family and domestic violence leave each year under the NES.

An employee may take family and domestic violence leave if:

- the employee is experiencing family and domestic violence and
- the employee needs to do something to deal with the impact of the family and domestic violence and
- it is impractical for the employee to do that thing outside the employee's ordinary hours of work.

This could include for example:

- making arrangements for their safety, or safety of a family member (including relocation),
- attending court hearings or
- accessing police services.

Employees are entitled to their entitlement from the day they start work i.e. they do not have to build it up over time. The entitlement does not accumulate from year to year if it is not used.

An employee must give their employer reasonable notice of taking such leave. The notice must be given as soon as practicable and must advise the employer of the period, or expected period, of the leave.

Managers can ask an employee for evidence that shows the employee took the leave to deal with family and domestic violence. If the employee does not provide the requested evidence, they may not get family and domestic violence leave. The evidence has to convince a reasonable person that the employee took the leave to deal with the impact of family and domestic violence.

Types of evidence can include:

- documents issued by the police service,
- documents issued by a court,
- family violence support service documents, or
- a statutory declaration.

Star Aviation has a responsibility to take reasonably practicable steps to keep any information about an employee's situation confidential but is not prevented from disclosing information if:

- it is required by law or
- it is necessary to protect the life, health or safety of the employee or another person.

Community Service Leave

Employees, including casual employees, can take community service leave for certain activities such as:

- voluntary emergency management activities
- jury duty (including attendance for jury selection).

With the exception of jury duty, community service leave is unpaid.

An employee engages in a voluntary emergency management activity if:

- the activity involves dealing with an emergency or natural disaster,
- the employee engages in the activity on a voluntary basis,

- the employee was either requested to engage in an activity, or it would be reasonable to expect that such a request would have been made if circumstances had permitted, and
- the employee is a member of or has a member-like association with a recognised emergency management body.

A recognised emergency management body is:

- a body that has a role or function under a plan that is for coping with emergencies / natural disasters (prepared by the Commonwealth or a state or territory),
- a fire-fighting, civil defence or rescue body,
- any other body which is mainly involved in responding to an emergency or natural disaster.

This includes bodies such as:

- the State Emergency Service (SES),
- Country Fire Authority (CFA),
- the RSPCA (in respect of animal rescue during emergencies or natural disasters).

An employee is entitled to take community service leave while they are engaged in the activity and for reasonable travel and rest time. There is no limit on the amount of community service leave an employee can take.

An employee who takes community service leave must give Star Aviation notice of:

- the absence as soon as possible (this may be after the leave starts) and
- the period or expected period of absence.

Star Aviation may request an employee who has given notice, to provide evidence that they are entitled to community service leave.

Jury duty, also known as jury service, is a type of community service leave. Employees, including casual employees, can take leave to attend jury selection and jury duty.

Employees must advise their Manager of the period or expected period of leave as soon as possible. If an employee requests leave, they need to provide evidence showing they attended jury selection or jury duty.

Full-time and part-time employees are paid 'make-up pay' for the first 10 days of jury selection and jury duty. Make-up pay is the difference between any jury duty payment the employee receives (excluding any expense-related allowances) from the court and the employee's base pay rate for the ordinary hours they would have worked.

Before paying make-up pay, Star Aviation may request evidence from the employee to show:

- that the employee has taken all necessary steps to obtain jury duty pay
- the total amount of jury duty pay that has been paid or will be payable to the employee for the period.

If the employee cannot provide such evidence, they will not be entitled to make-up pay.

Casuals do not get paid for jury duty under the NES, but they may be entitled to payment under State or Territory laws.

Parental Leave

Star employees are entitled to unpaid Parental Leave as per the NES. Parental leave include:

- maternity leave
- paternity and partner leave
- adoption leave
- special maternity leave
- a safe job and no safe job leave.

To be eligible for parental leave, you must have:

- have worked for Star for at least 12 months:
 - before the date or expected date of birth if the employee is pregnant
 - before the date of the adoption, or
 - when the leave starts (if the leave is taken after another person cares for the child or takes parental leave) and
- have, or will have, responsibility for the care of a child.

For casual employees to be eligible for unpaid parental leave they need to have:

- been working for Star Aviation on a regular and systematic basis for at least 12 months and
- a reasonable expectation of continuing work with Star Aviation on a regular and systematic basis, had it not been for the birth or adoption of a child.

Notice

Employees who want to take parental leave are to provide their Manager the appropriate notice that they are taking leave and confirm the dates.

If an employee cannot give the appropriate notice (e.g. the baby is born prematurely) they will still be entitled to take the leave as long as they provide notice when they can.

Employees may elect to utilise any annual leave entitlements as part of their parental leave period, note this will count towards the total amount of parental leave taken.

An employee should give notice to their Manager at least 10 weeks before starting their unpaid parental leave. This notice needs to be in writing, and say how much leave they want to take, including the starting and finishing dates.

If an employee cannot give 10 weeks' notice, they need to provide as much notice as possible.

Employees should confirm their parental leave dates with their Manager at least 4 weeks before they are due to start their leave. If there have been any changes to the dates the employee should tell their Manager as soon as possible.

If an employee cannot provide 4 weeks' notice, they need to provide as much notice as possible.

Employees are to provide evidence of the expected date of birth or of the date of placement of an adopted child, for example a medical certificate or statutory declaration. If an employee does not provide the evidence, they may not be entitled to the leave.

Concurrent leave – this is when both parents take leave at the same time. Employees who are taking concurrent leave need to provide at least 10 weeks’ notice to their Manager for their first period of concurrent leave. For second and later periods, they need to provide at least 4 weeks’ notice.

Taking parental leave

One parent:

When 1 parent takes unpaid parental leave, they can take up to:

- 12 months, or
- where Star Aviation agrees to the request, 24 months.

The leave can be taken as:

- a single continuous period or
- a single continuous period and a flexible period of up to 100 days.

Pregnant employee

If the pregnant employee takes unpaid parental leave, it has to start:

- on the birth of the child; or
- up to 6 weeks before the expected birth (or earlier where the Manager agrees);
- otherwise, during a 24-month period starting on the date of birth or day of placement of the child.

Adoption

If the leave is adoption related, the employee parent taking leave has to start their leave period on the date of placement of the child.

Partner

If the employee who is not pregnant is the parent taking the unpaid parental leave, the leave must start on the date of birth of the child.

The employee can start unpaid parental leave after the birth of the child if:

- they have responsibility for the care of the child, and
- their pregnant partner is not employed.

The leave has to be taken within 24 months after the birth or placement of the child.

Both parents’ same time:

Working parents may both want to take unpaid parental leave. The parents can be working for the same or different employers.

Parents who are married or in a de facto relationship can take up to 8 weeks unpaid parental leave at the same time. This is called 'concurrent leave'.

Concurrent leave can start:

- on the birth or placement of the child
- earlier than this date, if Star Aviation agrees, or



- later than this date, but it has to be within 24 months of the birth or placement of the child.

Concurrent leave can be taken in separate periods. Each period needs to be at least 2 weeks long however Star Aviation may agree to shorter lengths.

Concurrent leave is part of an employee's total unpaid parental leave entitlement. This means that any concurrent leave taken is deducted from the total unpaid parental leave entitlement.

Both parents' different times:

Each parent can take a separate period of up to 12 months unpaid parental leave. The combined leave cannot be for more than 24 months. Any concurrent leave, flexible unpaid parental leave or keeping in touch days taken are deducted from this overall entitlement.

If an employee who is pregnant takes unpaid parental leave first, it has to start:

- when the child is born, or
- up to 6 weeks before the expected birth (or earlier if their Manager agrees).

When the employee who is not pregnant takes unpaid parental leave first, it needs to start on the birth or placement of the child.

If the leave is for an adoption, one parent needs to start their leave period on the date of placement of the child.

Unpaid parental leave usually has to be taken in a single continuous period. This means the other parent may need to start their unpaid parental leave the next working day after the first parent's leave ends. There are some exceptions to this, including for flexible unpaid parental leave.

Flexible Parental Leave

An employee may take up to 100 days (or if a higher number of days is prescribed by the regulations, the higher number of days) of their Guarantee Period flexibly (**flexible unpaid parental leave**).

Flexible unpaid parental leave can be taken as:

- a single continuous period of 1 day or longer
- separate periods of 1 day or longer each.

An employee can take flexible unpaid parental leave either before or after the single continuous period but cannot take flexible unpaid parental leave during a single continuous period to break it up.

Flexible unpaid parental leave can be taken within the first 24 months of the birth or placement of an adopted child. However, the employee's entitlement to unpaid parental leave, except for flexible unpaid parental leave, will end on the first day that the employee takes flexible unpaid parental leave.

This means that if an employee is planning on taking a continuous period of unpaid parental leave, they should do so before they take any flexible unpaid parental leave.

An employee can take flexible unpaid parental leave after taking 1 or more periods of continuous unpaid parental leave. The total of both periods can't be longer than 24 months.

An employee may be able to take flexible unpaid parental leave on the same day as the other parent is on unpaid parental leave.

Pre-Adoption Leave

Employees who are taking parental leave to care for an adopted child are also entitled to 2 days unpaid pre-adoption leave to attend relevant interviews or examinations. This leave cannot be used if a Star tells an employee to take another type of leave (e.g. paid annual leave).

Pregnant Employees' Entitlements

There are a range of entitlements available for pregnant employees:

Sick Leave

Employees who are pregnant still get their ordinary personal (sick) leave entitlements while they are at work. Pregnancy is not considered an illness or injury, however, if a woman experiences a pregnancy-related illness or injury, sick leave can be taken.

Special Maternity Leave

A pregnant employee who is eligible for unpaid parental leave can take unpaid special maternity leave if:

- she has a pregnancy-related illness, or
 - if she has been pregnant,
 - her pregnancy ends after at least 12 weeks because of a miscarriage or termination,
 - the infant is not stillborn.

If an employee takes special maternity leave because of a pregnancy-related illness, the leave will end when the pregnancy or illness ends, whichever is earlier. If she takes leave because of a miscarriage or termination, it can continue until she is fit for work.

While the employee won't be entitled to take special maternity leave if the infant is stillborn, she may still be entitled to take unpaid parental leave.

Special maternity leave will not reduce the amount of unpaid parental leave that an employee can take.

Notice and Medical Certificates

An employee will need to tell her Manager as soon as possible (which can be after the leave has started) that she is taking special maternity leave. She will also need to tell them how long she expects to be on leave. Star Aviation may ask for evidence and can request a medical certificate.

Safe Jobs

All pregnant employees, including casuals, are entitled to move to a safe job if it is not safe for them to do their usual job because of their pregnancy. This includes employees that are not eligible for unpaid parental leave.



An employee who moves to a safe job will still get the same pay rate, hours of work and other entitlements that she got in her usual job. The employee and her Manager can agree on different working hours. The employee will stay in the safe job until it is safe to go back to her normal job, or until she gives birth.

The employee will need to give her employer evidence that:

- she can work but cannot do her normal job (including why her normal job is not safe) and
- how long she should not work in her normal job.

The Manager can ask for this to be a medical certificate.

When no Safe Job is Available

If there is no safe job available, the employee can take 'no safe job leave'. If the employee is entitled to unpaid parental leave, no safe job leave is paid. For a full-time or part-time employee, no safe job leave is paid at the base rate of pay for ordinary hours of work. For a casual, no safe job leave is paid at the base rate of pay (not including the casual loading) for the average number of hours they would have worked in the period they're on leave.

Employees who are not entitled to unpaid parental leave can take unpaid no safe job leave.

Directing Employees to Take Parental Leave

If a pregnant employee wants to work in the 6 weeks before her due date, her Manager can ask for a medical certificate within 7 days that states:

- she can continue to work and
- it is safe for her to do her normal job.

If the certificate says she is fit for work but it is not safe for her to continue in her normal job, then the employee will be entitled to a safe job or no safe job leave.

If the employee does not provide a medical certificate, or the certificate says she cannot continue work at all, then Star Aviation can direct the employee to start unpaid parental leave.

An employee's unpaid parental leave starts when she is directed to take unpaid parental leave and will count as part of the employee's total unpaid parental leave entitlement.

If the employee planned to take parental leave at a later date after the birth, the period of directed leave does not have to be taken in a continuous period with the other parental leave.

Protection from Discrimination

Star Aviation will not discriminate against because she is pregnant. This means that an employee cannot be fired, demoted or treated differently to other employees because she is pregnant.

Parental leave for stillbirth, premature birth or infant death

An employee who experiences a stillbirth or the death of a child during the first 24 months of life can take unpaid parental leave.



Employees can take up to 12 months' unpaid parental leave if they experience:

- a stillbirth or
- the death of a child during the first 24 months of life.

After a stillbirth or death of a child, employees cannot:

- be called back to work or
- have any unpaid parental leave cancelled by Star Aviation.

Employees can choose to return to work after experiencing a stillbirth or death of a child. If they decide to return to work after starting unpaid parental leave, they should give their Manager at least 4 weeks' written notice before returning. If they have not started leave, they need to give written notice about their return to work. Managers and employees can agree to the employee returning to work on an earlier date.

After experiencing a stillbirth or death of a child, an employee parent may be entitled to take compassionate leave while on unpaid parental leave. Another employee may also be entitled to take compassionate leave if the infant was, or would have been, an immediate family or household member of the employee.

Employees who experience premature births or other birth-related complications that result in their newborn having to stay in hospital or being hospitalised immediately after birth can agree with their Manager to put their unpaid parental leave on hold.

This means that while their newborn is hospitalised, parents can return to work and the period when they are back at work will not be deducted from their unpaid parental leave. The employee can then resume their unpaid parental leave at the earliest of:

- a time agreed with their Manager,
- the end of the day when the newborn is discharged from the hospital, or
- if the newborn dies, the end of the day when the newborn dies.

Returning to work

Keeping in Touch days

The *Paid Parental Leave Act 2010* makes provision for keeping in touch days.

A keeping in touch day is where an employee, with the mutual consent of their Manager, performs work on a day, or part of a day, while on a period of approved leave. A keeping in touch day could include for example:

- taking part in a planning meeting,
- doing on the job training,
- doing work to become familiar with the workplace or your role before returning to work.

An employee on unpaid parental leave gets 10 keeping in touch days. This does not affect their unpaid parental leave entitlement. If the employee extends their period of unpaid parental leave beyond 12 months, they can take an additional 10 days.

Keeping in touch days can be worked:



- as a part day
- 1 day at a time
- a few days at a time, or
- all at once.

An employee cannot access a keeping in touch day within the first 2 weeks after the birth of the child. After this time, you can ask your Manager for a keeping in touch day. You and your Manager must both agree before you can participate. Your Manager cannot request a keeping in touch day within the first 6 weeks after the birth or adoption of the child.

An employee does not have to use keeping in touch days if they do not wish to.

An employee is paid their normal wage and accumulates leave entitlements for each keeping in touch day or part day. For the purpose of keeping in touch, 1 hour or more of paid work activity counts as 1 day. This counts towards the 10-day limit.

Once you have returned to work you cannot access a keeping in touch day. This is even if you did not use all 10 days.

Paid Parental Leave

A Star employee, on return to work from parental leave, and who has completed at least two (2) years of continuous service with the company will also be eligible for three (3) weeks paid parental leave in the following manner:

- one (1) week on the return of parental leave,
- an additional one (1) weeks parental leave following three (3) months of continuous service following the return from parental leave and
- a final one (1) weeks parental leave following six (6) months of continuous service following the return from parental leave.

This is paid at the employee's ordinary base rate.

Employees may also be eligible for Parental Leave Pay (PLP) from the Australian Government. As this is means tested, employees should consult with the appropriate Government Department for eligibility.

Notice to return from parental leave

An employee who has been on parental leave is entitled to come back to the job they had before going on leave. They are entitled to this job even if another person is working in their role as a replacement. Employees should confirm with their Manager at least 4 weeks before you want to return from parental leave.

Any request to extend parental leave must be in writing and given to the employee's Manager at least four weeks before the end of the employee's initial period of parental leave. Star Aviation will respond in writing within 21 days, stating whether they grant or refuse the request. Star Aviation may refuse when they have given the employee a reasonable opportunity to discuss their request, and there are reasonable business grounds to do so.

Any request to shorten parental leave must be agreed with Star Aviation. If Star Aviation does not agree, then the employee has to return to work on the planned date.

Employees returning to work and who wish to request a Flexible Working Arrangement e.g.

- hours of work (e.g. changes to start and finish times)
- patterns of work (e.g. split shifts or job sharing)
- locations of work (e.g. working from home).

must be:

- made in writing,
- explain what changes are being asked for, and
- explain the reasons for the requested change.

Star Aviation will respond in writing within 21 days, stating whether they grant or refuse the request. Star Aviation may refuse when they have given the employee a reasonable opportunity to discuss their request, and there are reasonable business grounds to do so.

Employees who want to resign while on parental leave must provide the appropriate period of notice – refer to Termination Procedure [HRM-PRO-003] and can use their parental leave as the notice period.

Long Service Leave

Long Service Leave (LSL) is leave available to employees who have worked for the same employer over a long period of time. This time period varies in each State/Territory in accordance with the relevant legislation. This legislation also provides rules for taking long service leave. Star Aviation complies with this legislation and/or the relevant industrial instrument. Queries about LSL should be directed to payroll.

Leave without Pay

Star Aviation recognises that there may be exceptional circumstances where employees may have situations or opportunities arise that fall outside the other leave criteria defined in this policy.

Leave Without Pay (LWOP) is not a statutory entitlement nor an automatic right. Requests for LWOP will be assessed on a case-by-case basis and will be considered having regard to both the needs of the employee and the business needs of Star Aviation.

Full-time and part-time employees may be considered for LWOP. Casual employees due to the nature of their employment are not eligible for LWOP.

LWOP will only be granted where all paid leave has been exhausted or will be exhausted at the time of taking leave without pay.

The minimum period of LWOP is one (1) day and the maximum period shall be three (3) months.

Employees should note that while a period of LWOP will not break an employee's continuity of service, it will not count as service for benefits or other entitlements such as accrual of leave including annual leave, personal leave and long service leave.

Employees may not undertake any work for another organisation or employer while on LWOP, without prior approval from Star Aviation's General Manager.

Employees should give reasonable notice of their request to take LWOP, discussing the reason why, and the period for which, LWOP is being requested with their Manager. Managers can decline a request for LWOP on reasonable business grounds.

When on LWOP, employees accept:

- he/she is not eligible to be paid for public holidays during the period of unpaid leave,
- payment of superannuation contributions will cease for the period,
- he/she will return to the role they occupy prior to commencing their leave, however, if the role has ceased to exist or changed in a substantial way, redeployment or redundancy may occur,
- he/she may request to return to work earlier than the agreed date however Managers are not obligated to facilitate such a request where this impacts business operations.

