

11.8 ADOPTION LEAVE FOR MINISTERS

DEFINITIONS

11.8.1 In these By-laws:

“Minister” shall mean Minister of the Word, Deacon, Deaconess, Lay Pastor, person accredited to the specified ministry of Youth Worker, Ministry Intern and candidate for ministry in approved placement”.

Primary Care Giver” refers to when the Minister will be or become the primary care giver to the child that is being adopted **and** where the Minister’s spouse is not taking leave from employment or otherwise staying at home for that purpose during the period of the adoption leave.

PURPOSE OF ADOPTION LEAVE

11.8.2 The purpose of adoption leave is to provide opportunity for Ministers who are the primary care giver of a child who is adopted, to care for the child during the initial months following the adoption.

ELIGIBILITY FOR ADOPTION LEAVE

11.8.3 To be eligible for adoption leave a Minister shall:

- a. Be placed in an Approved Placement in a Congregation, Presbytery or Synod Placement under Regulation 2.4.5(a) or such other placement as the Synod may determine. A Minister serving in an Ecumenical appointment or Approved Placement in a supply capacity or on a casual or seasonal basis will not be entitled to adoption leave as set out under these by-laws.
- b. Be receiving remuneration for service at least half time.
- c. Have served continuously in an Approved Placement in the Uniting Church in Australia for at least twelve (12) months immediately preceding the date upon which he/she proceeds upon such leave.
- d. Not have taken maternity, paternity or adoption leave during the twelve (12) months preceding the date upon which he/she proceeds upon adoption leave.
- e. Provide to the General Secretary of the Synod, a copy of the notice of approval for adoption purposes and a statement that confirms that the Minister will be the primary care giver of the child to be adopted and the period of adoption leave that the Minister intends to take.

- f. Give not less than three (3) months notice in writing of the date upon which he/she proposes to actually commence adoption leave, stating the period of leave to be taken. Notice shall be given to the following bodies:
- Ministers in Congregation Placements: To the Church Council and the Presbytery PRC
 - Ministers in Presbytery Placements: To the General Secretary of the Synod and the Chairperson of the relevant Commission, Council or Board.
 - Ministers in Synod Placements: To the Standing Committee.
- g. In the case of the adoption of a relative, give as much notice as possible of the decision to adopt the child including any decision to take the child into custody pending such adoption.

PERIOD OF LEAVE AND COMMENCEMENT OF LEAVE

- 11.8.4
- a. The period of adoption leave shall be for an unbroken period of from two (2) to fifty-two (52) weeks.
 - b. The leave may commence from a date preceding the actual date of adoption by agreement with the body referred to in 11.8.3 e.
 - c. Adoption leave, other than leave available under 11.8.6 f. and g., will not extend beyond a child's fifth (5th) birthday.

PAYMENT DURING LEAVE

- 11.8.5
- a. The first thirteen (13) weeks of leave, including leave under 11.8.6 f. and g., shall be "paid leave".
 - b. The Minister shall be paid the relevant minimum stipend applicable immediately before proceeding on leave as adjusted for any general stipend increase. The stipend shall be paid by the Ministers Benefit Fund.
 - c. The Minister shall be paid the following allowances for the period of "paid leave":
 - i. If the Minister owns his/her own motor vehicle and is usually paid standing charges and depreciation, these shall continue to be paid. However, no kilometreage charges shall be paid.

Where a vehicle is supplied, the Minister will be entitled to the use of the vehicle for the period of paid adoption leave under the same provisions as apply to the placement but no kilometreage charges shall be paid.

During the period of unpaid leave, the Minister may retain the use of the vehicle provided that all costs are met by the Minister.

- ii. The Congregation (or other body) contribution to the Beneficiary Fund shall be paid for the period of “paid leave”. Arrangements for payment (or otherwise) of the Beneficiary Fund levy during the period of non-paid adoption leave shall be dealt with according to the rules of the UCA Beneficiary Fund.
 - iii. The Minister shall be paid the Ministers professional development allowance during the period of “paid leave”.
 - iv. The above allowances, other than those payable by the Minister, shall be paid by the Ministers Benefit Fund.
- d. The Long Service Leave and Ministers Benefit Fund levies for the Minister will be paid during the period of paid leave and shall be paid by the Congregation or other body.
- e. During the period of unpaid leave up to a maximum of thirty-nine (39) weeks, a Minister may take any outstanding annual leave or long service leave and during such leave the Congregation or other body shall be responsible for all normal stipend, allowances and Synod levies for Long Service Leave, Ministers Benefit Fund, Travel Equalisation etc.
- f. Costs of supply during the period of leave (both paid and unpaid up to fifty-two (52) weeks) shall be met by the Congregation (or other appropriate body) except that the cost of housing the supply, where the manse is unavailable [see 11.8.6 c.], and costs of travelling to and from the Congregation shall be paid by the Ministers Benefit Fund.
- g. Where Adoption Leave extends beyond the period of placement by reason of termination, effluxion of time or any other reason, the Church will only be responsible for payments of stipend and allowances until the date of termination of placement.

ADOPTION LEAVE AND OTHER ENTITLEMENTS

- 11.8.6
- a. Paid adoption leave shall count as service for the purpose of accruing annual leave, long service leave and status with the Beneficiary Fund.
 - b. Unpaid leave shall not break continuity of service but shall not be taken into account in calculating the period of service for any purpose.

- c. The Minister shall have the right to remain in the manse or, if already living in his/her own home, shall be paid the accommodation allowance. The Congregation or other employing body shall be reimbursed pro rata by the Ministers Benefit Fund for the period of unpaid leave.
- d. Adoption leave shall not extend beyond fifty-two (52) weeks without the specific approval of the appointing body and the Presbytery PRC.
- e. Paid sick leave shall not be available to a Minister during his/her absence on adoption leave or while taking annual leave or long service leave during the period of unpaid adoption leave.
- f. A Minister who is seeking to adopt a child may take paid leave not exceeding five (5) days as is required to attend such interviews, workshops, court attendances or examinations as are necessary as part of the adoption procedure.
- g. A Minister who has received approval to adopt a child who is overseas, is entitled to paid leave not exceeding four (4) weeks as is reasonably required by the Minister to obtain custody of the child.

APPROVING BODY

- 11.8.7 In the case of a Minister in a Congregation Placement, adoption leave shall be approved by the Church Council subject to the Presbytery PRC being satisfied with the arrangement for oversight of the Congregation in the Minister's absence. In the case of a Presbytery Placement, the Presbytery PRC shall be the approving body. In the case of a Minister in a Synod Placement, the Standing Committee shall be the approving body and shall, if required, make appropriate arrangements for supply.

DISCRETIONARY POWERS

- 11.8.8 The General Secretary of the Synod may make recommendations to the Stipends Committee concerning cases arising in respect of the application of these by-laws and the Stipends Committee may authorise the General Secretary to vary the application of these by-laws in respect of any such cases.