

# Leave Manual

## Section 1 - Purpose

(1) This Manual operates in conjunction with the leave provisions provided for in the applicable industrial instrument that regulates the terms and conditions of employees of Charles Sturt University (the University). The Manual provides further explanatory information and details on the taking of leave by employees of the University.

(2) Where any inconsistency arises between the provisions set out in the applicable industrial instrument and this Manual, the industrial instrument will prevail.

## Section 2 - Glossary

(3) In this Manual:

- a. Immediate family - means an employee's spouse or former spouse, de facto spouse or former de facto spouse (de facto spouse includes same-sex, transgender, intersex and heterosexual partnerships); or their child or adult child (including their adopted child, step child, ex-nuptial child or foster child), parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law or sister-in-law. Other kinship and family networks may be considered on a case by case basis, including persons for whom the employee has significant carer responsibilities.

## Section 3 - Policy

(4) Nil.

## Section 4 - Procedures

### Part A - Personal Leave

#### Entitlement and Purpose

(5) Personal leave is a combination of what was previously known as sick and carers leave.

(6) Personal leave may be taken in the event that an employee is ill or the employee is caring for or supporting a member of their immediate family or same household who is ill.

(7) An employee experiencing domestic violence or an employee who is supporting a member of their immediate family experiencing domestic violence may use up to 10 days of personal leave per annum to access medical, legal and support services as necessary.

#### Entitlements - Full-time employees

(8) All full-time employees shall be entitled to 15 working days of paid personal leave from 1 January each year. The

unused component of annual personal leave entitlement shall be fully cumulative.

## **Entitlements - Part-time Employees**

(9) The personal leave entitlement for a part-time employee shall be calculated on the appropriate fraction of the personal leave entitlement for a full-time employee.

## **Entitlements - New Employees**

(10) Employees appointed after 1 January of a calendar year shall have their personal leave entitlement for that year calculated by multiplying the number of whole months remaining in the calendar year by the annual entitlement and dividing that result by 12. This entitlement is available from the commencement of the employee's employment, provided that during the first three months of employment the maximum amount of paid personal (sick) leave that may be granted shall be five days, unless a medical certificate to support each individual absence is provided.

## **Casual Employees**

(11) A casual employee shall not be entitled to personal leave.

## **Previous Service**

(12) Previous service with the University or its predecessor institutions shall be recognised for determining cumulative personal leave entitlements for new continuing appointments. The University shall not recognise service with other employers for personal leave purposes.

## **Effect of Leave Without Pay**

(13) When an employee proceeds on leave without pay for greater than two months in a calendar year, the employee's personal leave entitlement for that year shall be reduced in proportion to the period of leave without pay.

## **Exhaustion of Entitlement**

(14) Where all paid personal leave entitlements for which an employee is eligible have been exhausted, the employee may elect to use part or all of any annual leave and/or long service leave to credit or to proceed on personal leave without pay. Personal leave without pay shall count as service for the accrual of annual leave, long service leave and further personal leave with pay.

## **Personal Leave Whilst on Annual Leave or Long Service Leave**

(15) An employee who becomes ill while on annual leave or long service leave and who has personal leave to credit may apply for personal leave and to have re-credited that period of annual leave or long service leave during which the illness occurred, subject to the employee notifying their supervisor at the earliest opportunity of the situation.

(16) Subsequent to notifying their supervisor, the employee shall provide a medical certificate issued by a registered medical practitioner, which clearly states both the nature and duration of the illness. Any medical certificate provided that is not written in English must be accompanied by a certified translation.

(17) The illness and supporting medical certificates referred to in clauses (15) and (16) must be for a period of at least five consecutive days before personal leave shall be granted and the leave re-credited.

## **Medical Certificate/Evidence to be Furnished**

(18) Any employee absent from duty on the grounds of illness or caring purposes for any period of absence exceeding three days shall be required to furnish a medical certificate to the University indicating the nature of the illness.

(19) An employee experiencing domestic violence or an employee who is supporting a member of their immediate family who is experiencing domestic violence may be required to furnish evidence to support any period of absence on domestic violence grounds exceeding three days.

(20) An employee who has been absent from duty on the grounds of illness on five or more occasions in any period of 12 months without furnishing a medical certificate indicating the nature of the illness may be required by the Vice-Chancellor (or nominee) to furnish a medical certificate for any future period or periods of illness.

(21) A supervisor may at any time require an employee who has been granted leave on the grounds of illness to furnish medical evidence as to the employee's inability to resume duty. Where an employee has applied for personal leave and produces, in respect of the absence from duty, a medical certificate that fails to indicate a definite medical condition, the employee (and the medical certificate) may be referred immediately to a medical practitioner chosen by and at the expense of the University.

(22) The nature of the leave of absence to be granted shall be determined by the University after receipt and consideration of the report of the medical practitioner nominated by the University pursuant to clause (21).

### **III Health of Employee Rendering Danger to Themselves or Other Employees**

(23) The Vice-Chancellor (or nominee) may require an employee to be medically examined by a medical practitioner chosen by and at the expense of the University, where the Vice-Chancellor (or nominee) has reason to believe that:

- a. an employee is in such a state of ill health as to render a danger to other employees; or
- b. where the state of health of an employee on duty is likely to be seriously affected by remaining on duty; or
- c. where the state of health of an employee absent from duty is likely to be seriously affected by resuming duty.

(24) Where the employee is absent from duty at the time arrangements are made for the medical examination pursuant to clause (23), the employee shall not be permitted to resume duty prior to the completion of the medical examination, unless the employee furnishes a certificate from a medical practitioner indicating that he or she is fit to resume duty.

(25) Upon receipt of the medical report or verbal advice from the medical practitioner that the employee is unfit to continue in the service of the University, the Vice-Chancellor (or nominee) shall direct the employee in writing to be absent from duty forthwith or, if already on leave of absence, to continue on leave until the matter has been determined.

(26) Upon receipt of the medical report or verbal advice from the medical practitioner that the employee is fit to continue in the service of the University, the Vice-Chancellor (or nominee) shall advise the employee accordingly and may require the employee to resume duty.

(27) Any leave of absence arising from clause (25) shall be deducted from the employee's available personal leave. Where such leave is exhausted, the employee may elect to use any annual leave or long service leave to credit or to be placed on personal leave without pay.

## **Part B - Annual Leave**

### **Accrual of Annual Leave**

(28) The rate of accrual of annual leave for full-time employees at the University is set out in this clause. The rate of accrual of annual leave for part-time employees shall be at the same rate as full-time employees but on a pro-rata basis.

ALBURY-WODONGA CAMPUS	
Employees	Rate of Accrual
All employees employed by the University on and after 1 January 1982.	20 days per annum
All employees employed by the University before 1 January 1982.	25 days per annum
WAGGA WAGGA CAMPUS	
Employees	Rate of Accrual
All employees employed by the University on and after 1 July 1997.	20 days per annum
All employees employed by the University before 1 July 1997.	25 days per annum
OTHER CAMPUSES	
Employees	Rate of Accrual
All employees.	20 days per annum

(29) A "seven day shift work employee" shall be granted five days of annual leave in addition to the relevant entitlement set out above for working weekends and public holidays regularly in each calendar year.

### **Accrual of Annual Leave While on Other Forms of Leave**

(30) An employee shall accrue annual leave whilst on annual leave, long service leave, personal leave (whether paid or unpaid), defence force leave, paid parental leave and special leave.

(31) An employee shall not accrue annual leave in respect of a period(s) of leave of absence without pay exceeding two months in any calendar year.

### **Taking of Annual Leave**

(32) An employee will normally be required to take their annual leave entitlement each year as it falls due.

(33) An employee who is unable to take their annual leave entitlement pursuant to clause (32) shall be required to take at least 15 days of annual leave each year where he or she accrues annual leave at the rate of 25 days per annum and at least 12 days each year where he or she accrues annual leave at the rate of 20 days per annum.

### **Direction to Take Annual Leave**

(34) Where an employee accrues annual leave in excess of 50 days, the employee will be advised in writing that they will be required to take annual leave from a date to be fixed by the University, no later than two months from the date of the written advice, and ending when annual leave entitlements in excess of 10 days have been exhausted, unless otherwise negotiated between the employee and the University when extenuating circumstances exist.

### **Payment for Annual Leave**

(35) Payment of accrued annual leave shall be made at the employee's ordinary salary in line with the pay cycle. Where an increase in an employee's ordinary salary occurs during the period of leave, an adjustment to the payment of such leave shall be made.

### **Combining Paid and Unpaid Leave**

(36) Where an employee applies for a period or periods of paid and unpaid leave, the period or periods of paid leave shall be taken first in all cases.

## **Payment of Annual Leave on Cessation of Employment**

(37) Any annual leave to credit shall be paid in a lump sum upon resignation or termination. Provided that such leave shall not be regarded as if it had been taken for a nominal period and shall not be augmented by public holidays occurring in that period.

(38) The monetary value of any annual leave to credit payable on resignation or termination shall be based on the employee's ordinary salary as at their last day of service with the University, except where provided otherwise in the industrial instrument.

## **Payment of Annual Leave on Death**

(39) When an employee dies, annual leave shall be calculated up to and including the date of death and paid in full without any limitations provided for in this clause.

## **Annual Leave Loading**

(40) Annual leave loading only applies to staff based in Australia.

(41) Academic staff shall be entitled to an annual leave loading payment equal to 17.5% of four weeks of salary for the period of leave accrued with a maximum payment based on Academic Level B, Step 6.

(42) Professional/General staff (other than casual employees and "seven day shift work employees") shall be granted an annual leave loading equivalent to 17.5% of four weeks of ordinary salary, provided that the loading payable shall not, in any case, exceed the loading calculated on the minimum salary equivalent to Professional/General staff Level 10, Step 1 as set out at Schedule II of the University's Enterprise Agreement.

(43) A "seven day shift work employee" who proceeds on annual leave shall be paid, in respect of leave taken in any period of 12 months, whichever is the more favourable:

- a. the shift penalties the employee would have received had he or she not been on annual leave; or
- b. the 17.5% annual leave loading of five weeks of ordinary salary.

(44) Shift penalties shall not be paid for a public holiday that falls during a period of annual leave or where compensatory leave has been added to a period of annual leave pursuant to the provisions covering public holidays.

(45) The annual leave loading year shall be deemed to commence on 1 December each year and end on 30 November the following year.

(46) Annual leave loading shall be paid in December each year to all employees so entitled and shall be based on the period of time worked by employees during the annual leave loading year. Annual leave loading shall be paid on a proportionate basis to employees who resign or retire or who are terminated by the University (other than for serious misconduct) during an annual leave loading year.

(47) Annual leave loading shall be calculated on the employee's ordinary salary as at 30 November or, where a proportionate payment is made, on the ordinary salary as at the employee's last day of duty.

(48) Employees who are employed on a part-time basis and who satisfy the provisions of clauses (40) to (42) and (45) to (47) shall be eligible for payment of an annual leave loading on a pro-rata basis.

## **Part C - Long Service Leave**

## **Entitlement**

(49) An employee (other than a casual employee) who has accumulated 10 years of full-time service shall be entitled to 43.5 working days of leave on full pay. After the completion of 10 years of service, an employee shall accrue long service leave at the rate of 10.75 working days per annum on full pay.

(50) Prior to the 1 March 2014 the accrual and recording of long service leave was calculated and accrued in calendar days. On 1 March 2014 the calculation and accrual changed to working days.

(51) A period or periods of part-time service will not reduce the accrued entitlement specified in clause (49), although it will reduce an employee's service fraction.

(52) An employee shall be entitled to a payment equivalent to a proportionate amount of salary, calculated on the basis of 43.5 working days of salary for 10 years of service, when they have accumulated at least 5 years of service but less than 10 years of service and:

- a. their employment is terminated by the Vice-Chancellor for any reason, other than for serious misconduct; or
- b. their employment is ended by the employee on account of illness, incapacity or domestic or other pressing necessity or by the employee's death.

(53) For the purpose of calculating the entitlement to long service leave of an employee, there shall be deducted from any long service leave to which such employee becomes entitled under this clause, any such leave already taken or for which payment has been made in respect of any period of service referred to in clause (49).

## **Application for Long Service Leave**

(54) An employee applying for long service leave shall submit an application at least one month before the date when leave is intended to commence. The Vice-Chancellor (or nominee) may approve the application for long service leave on being satisfied that satisfactory arrangements can be made for the performance of the employee's duties during the absence or that the demands of the University's business do not make it impractical for the application to be granted.

(55) An employee who is eligible for long service leave shall be entitled to take such leave at a time of their choosing, provided that at least six months' written notice of such leave is given. Leave without pay of up to two months applied for and taken concurrently with such long service leave will also be approved.

(56) The employee's application for long service leave may reasonably be denied if the application is for a duration of less than 15 working days in a critical work period.

(57) An application for long service leave may be declined if the application is for a period of less than 30 working days in a critical teaching period for academic staff. A critical teaching period refers to the first four weeks of the teaching session and the four weeks leading to the approval of grades of the teaching session, for employees who are engaged in the teaching of that session.

## **Combining Long Service Leave and Annual leave**

(58) An employee may combine Long Service Leave and Annual Leave to cover the one period of absence.

## **Accrual of Annual leave and Long Service Leave**

(59) Annual leave and long service leave shall accrue during any absence on long service leave.

## **Payment of Monetary Value on Resignation or Termination**

(60) An employee who has an entitlement to long service leave upon resignation or termination shall be paid the monetary value of long service leave to credit in lieu of such leave. Payment shall be made at the employee's ordinary salary as at their last day of service with the University, except where provided otherwise in the University's Enterprise Agreement. Long service leave paid out on termination of employment will be based on an employee's average service fraction.

## **Minimum Period of Leave to be Granted**

(61) Long service leave shall not normally be granted for less than five working days.

## **Transfer of Long Service Leave**

(62) The University shall recognise the following as qualifying service for the purpose of determining long service leave entitlements:

- a. previous service with the University or its predecessor institutions;
- b. all paid full-time or part-time service at any former corporate College of Advanced Education in New South Wales; and
- c. all continuous paid full-time or part-time service with other Australian higher educational institutions, excluding service with Technical and Further Education Colleges,

provided that:

- d. the University shall not make payment to an employee who, immediately prior to taking up an appointment with the University, had an entitlement to long service leave with his or her former institution (employer). In these circumstances, the employee will be deemed by the University to have been paid by his or her former institution for such an entitlement on resignation or termination, except where alternative arrangements are made pursuant to this clause; and
- e. in circumstances where, immediately prior to taking up an appointment with the University, the employee served a period of more than five years but less than 10 years of service with their former institution and was paid a pro-rata long service leave entitlement on resignation or termination for such service, the entitlement on which payment was made shall be deducted from any long service leave entitlement with the University.

(63) Where the period between an employee's cessation of employment with their former institution and the commencement of employment with the University is not more than two months, the employee's period of service shall be deemed not to have been broken. Provided that the period between the cessation and commencement of employment shall not be taken into account to determine the length of service for long service leave purposes.

(64) An employee whose previous service with another Australian higher education institution is recognised for long service leave purposes shall be required to serve at least three years with the University before being permitted to take any accrued long service leave.

## **Direction to Take Long Service Leave**

(65) Where an employee has accumulated a long service leave entitlement in excess of 130 working days, the University may give the employee written notice to take not less than 30 working days and not more than 65 working days of such leave on full pay at a time convenient to the needs of the University, provided that:

- a. the University shall give the employee written notice of at least six months of the date on which leave must commence;
- b. the employee shall not be required to take long service leave within two years of the employee's notified date

- of retirement provided that notice has been given in writing; and
- c. where an employee would suffer hardship as a result of being required to take long service leave, a submission may be made to the Executive Director, Human Resources requesting special consideration.

## **Part D - Parental Leave (Not applicable to Canadian based employees)**

### **General Principles**

(66) "Parental leave" is a general term encompassing paid and unpaid leave associated with the birth or adoption of a child. Except for special leave taken concurrently, parental leave is restricted to the parent who gives birth and/or will be the primary carer for a newborn or newly adopted child.

(67) Casual employees are not eligible for paid parental leave unless the employee has been employed on a regular and systematic basis during a period of at least 12 months, and who has but for her pregnancy, or his or her decision to adopt a child, a reasonable expectation of ongoing employment.

(68) Parental leave will normally be available as one continuous period. Where both parents work at the University, parental leave may be divided between them if each takes the role of primary carer at different times.

(69) Parental leave (with the exception of special leave taken concurrently) will commence no later than the actual date of birth or placement or, in the case that it is shared, adjoining the leave taken by the other parent from the date of birth or adoption.

(70) Parental leave must be completed within two years of the actual date of birth or adoption. Any paid portion of parental leave must be taken within 26 weeks (if taken full time) or 52 weeks (if taken half time) of the birth or adoption of the child.

(71) An employee may take parental leave:

- a. at full pay or half pay; and
- b. without pay up to the second birthday of the child; or
- c. at a reduced fraction to return to work, up to the second birthday of the child.

(72) An employee may apply for a lesser period of paid leave, in which case the balance of the paid leave is forfeited.

(73) An employee who is the primary carer but is not entitled to paid parental leave may be able to access special leave in addition to unpaid parental leave.

(74) A person employed on a fixed-term contract will cease to have an entitlement to parental leave upon the date the contract expires.

### **Maternity Leave**

(75) An employee who gives birth to a child may be eligible for parental leave in the form of paid maternity leave, paid primary carer parental leave and/or unpaid parental leave.

(76) Leave for maternity purposes may commence up to six weeks before the expected date of birth. Where it is not commenced prior to the birth of the child, leave shall commence no later than the date of birth.

(77) An employee who has more than 40 weeks of continuous service immediately prior to the expected date of birth is entitled to paid parental leave. Periods of previous employment with the University shall not count towards these 40 weeks. The employee is entitled to six weeks of paid maternity leave and 20 weeks of paid primary carer parental leave.



## **Paid Primary Carer Parental Leave**

(78) An employee who takes on the role of primary carer following the birth or adoption of a child may be eligible for parental leave in the form of paid primary carer parental leave and/or unpaid parental leave.

(79) An employee who has more than 40 weeks of continuous service immediately prior to the birth or adoption of a child is entitled to paid parental leave. Periods of previous employment with the University shall not count towards these 40 weeks. The employee is entitled to 20 weeks of paid parental leave subject to providing evidence (by Statutory Declaration) that they are the primary carer of the child.

(80) Primary carer parental leave must be completed within 26 weeks of the date of birth or adoption and is reduced to take account of the primary carer responsibilities of the other parent (whether or not the partner is a University employee).

(81) A staff member who is taking permanent custody of a foster child is also eligible to take primary carer parental leave in accordance with clauses (77) to (79).

(82) Should the foster care arrangement cease unexpectedly during the period of primary carer parental leave, the employee is required to inform the University and leave shall cease.

## **Return to Work After Parental Leave**

(83) An employee who returns to work after parental leave has a right to return to his or her former position, subject to clause (83), irrespective of whether the parental leave was taken on a full-time or part-time basis.

(84) The right of return to the former position shall be forfeited when an employee does not resume duty at the expiration of the approved period of parental leave.

(85) Where the employee's former position has been abolished during the period of parental leave, the employee shall be transferred to a position at the same classification level, and where practicable, in the same location as the former position or elect to be retrenched. The employee shall be consulted in advance of the employee's return to work concerning any such transfer or election.

(86) An employee may apply under the provisions of the Enterprise Agreement to work part-time for a set period after return from parental leave, before returning to his or her previous full-time position. Any part-time work arrangement that is agreed will be recorded as a variation to the contract of employment between the University and the staff member. The arrangement will specify whether and when the staff member will return to full-time employment.

## **Subsequent Applications for Paid Parental Leave**

(87) Where an employee has previously taken paid parental leave and wishes to take a further period of parental leave:

- a. two years or less after completion of the previous period of parental leave, the employee is eligible to receive 14 weeks of paid parental leave only, comprising six weeks of 'maternity leave and/or eight weeks of' primary carer leave, subject to meeting eligibility requirements; or
- b. more than two years after completion of the previous period of parental leave, the employee is eligible to receive the parental leave referred to in clause (76), subject to meeting eligibility requirements.

## **Applications for Parental Leave**

(88) An employee who intends to proceed on parental leave shall apply, in writing, at least eight weeks prior to the commencement of such leave. An application shall be accompanied by advice as to whether leave is sought on a full-

time or part-time basis and a statutory declaration indicating the primary care arrangements and expected date of birth/adoption.

(89) Before commencing parental leave, an application to vary either the period of leave or any election made concerning part-time or full-time arrangements may be made a number of times by giving a minimum of four weeks of notice in writing. A new statutory declaration may be requested if the leave arrangements have substantially changed.

(90) After commencing parental leave, an application to vary either the period of leave or any election made concerning part-time or full-time arrangements may be made by giving a minimum of four weeks of notice in writing. Approval to vary the existing arrangements may need to be negotiated in line with any contractual commitments which the University has entered into with replacement employees.

### **Leave Immediately Prior to Parental Leave**

(91) Where an employee wishes to cease duty before parental leave commences, an application may be made for annual leave or long service leave to credit or leave without pay.

### **Premature Birth, Still Birth or Miscarriage**

(92) An employee who gives birth prematurely before commencing maternity leave shall be regarded as being on maternity leave from the first working day she enters on leave to give birth to the child and any previous leave arrangements will be negated.

(93) In the event of still birth, an employee may take up to six weeks of maternity leave or accrued special/personal leave, provided that a medical certificate shall be furnished by the employee.

(94) In the event of a miscarriage, an employee may take up to two weeks of special leave and/or accrued personal leave or unpaid leave, provided that a medical certificate shall be furnished by the employee.

### **Fitness to Continue Working During Pregnancy**

(95) Where an employee decides to work during the period of six weeks prior to the expected date of birth, the University may require a medical certificate confirming that the employee is fit to work during the final weeks of the pregnancy.

(96) Where an employee is unable to carry out the duties of her position because of risk associated with her pregnancy, the University shall as far as practicable provide employment to the employee in some other position, provided she is able to perform the duties satisfactorily. The position to which the employee is transferred under these circumstances shall be as close as possible in status to her substantive position without loss of salary.

(97) An employee may apply to work on a part-time basis during the period leading to the birth of the child.

### **Notification of Date of Birth**

(98) As soon as practicable after the birth of the child, an employee shall notify the University in writing of the child's date of birth or stillbirth.

### **Calculation of Salary Progression and Leave Accrual**

(99) Any period of paid parental leave shall count as service for the purposes of determining salary progression. Any period of unpaid parental leave shall not count as service for the purposes of determining salary progression.

(100) Parental leave on full-pay shall count as service for the purpose of determining all forms of leave, and on half-pay shall count as service on a pro-rata basis for determining all forms of leave.

(101) Unpaid parental leave shall not count as service for determining any form of leave entitlement.

## **Part-time Parental Leave**

(102) During a period of approved part-time parental leave, the hours to be worked shall not be less than 2/5 and not greater than 4/5 of the full-time ordinary hours of work for the position.

(103) An employee may resume full-time employment by giving four weeks' written notice. On resumption of full-time duty, the period of part-time service shall be converted to the full-time equivalent and allowed as credit for all leave purposes.

## **Casual Employment During Parental Leave**

(104) After six weeks from the actual date of the birth of the child, an employee may be employed on a casual basis during periods of unpaid parental leave.

## **Part E - Purchased Leave**

### **Entitlement and Purpose**

(105) The purpose of purchased leave is to provide for more flexible work arrangements to assist employees achieve a better balance between work responsibilities and personal commitments.

(106) An employee may "purchase" up to four weeks of leave per annum in addition to their normal annual leave entitlement, to be funded through a deduction from the employee's salary over a 12 month period.

### **General Conditions**

(107) Applications for purchased leave will be considered subject to operational requirements.

(108) Employees may apply to purchase leave entitlements of either one, two or four weeks.

(109) Purchased leave is accrued on a daily basis from the commencement of salary deductions and can be taken as accrued, with the approval of the supervisor.

(110) The minimum period of purchased leave that can be taken at any one time will be one day.

(111) All purchased leave must be taken within three months of the final salary deduction.

(112) Upon cessation of the purchase leave agreement, a reconciliation of the employee's purchased leave will be conducted to ensure that the deductions processed were equal to the value of the purchased leave taken. The reconciliation will take into account any salary changes during the period, including salary increases, increments, higher duties allowance etc.

(113) If the reconciliation results in a difference between the amount deducted and the value of the leave taken, the employee will be required to make additional payments to address any deficit or will receive reimbursements for any credit as applicable.

(114) Periods of purchased leave are recognised as service at the substantive fraction for all purposes.

(115) Professional/general staff members taking purchased leave are expected to keep their flexi-time credits below 16 hours in each accounting period.

## Eligibility

(116) To be eligible for purchased leave an employee must have on the date of application:

- a. completed six months service with the University; and
- b. an annual leave balance of less than 20 days; and
- c. a long service leave balance of less than three months; and
- d. continuing employment or at least 18 months remaining on their fixed term appointment; and
- e. taken all leave purchased previously.

## Effect of Purchased Leave on Salary

(117) Upon approval of participation in the purchased leave arrangement, the employee's annual salary will be adjusted commensurate with the amount of leave purchased. This deduction will be expressed as a fixed percentage of salary and the amount adjusted with any salary movement.

Number of weeks purchased	Deducted over 12 months
4 weeks' additional leave	8.0769% per fortnight
2 weeks' additional leave	4.0385% per fortnight
1 week's additional leave	2.01925% per fortnight

## Effect of Purchased Leave on Superannuation and Salary Packaging

(118) The employer superannuation contribution will be based on the employee's ordinary salary (i.e. the substantive amount).

(119) Employees should seek financial advice prior to their application for purchased leave.

## Purchased Leave Conditions

(120) An employee who becomes ill while on purchased leave and who has personal leave to credit may apply for personal leave (a minimum of five days) and to have re-credited that period of purchased leave during which the illness occurred, subject to the employee notifying their supervisor at the earliest opportunity of the situation and obtaining the required medical evidence. The illness and supporting medical certificates referred to directly above must be for a period of at least five consecutive days before personal leave shall be granted and the leave re-credited.

(121) The effects on employee entitlements are set out below.

Entitlement	Effect of Purchased Leave
Annual Leave Long Service Leave Personal Leave Special Leave Public Holidays Parental Leave	Paid at purchased leave salary rate Entitlement is not reduced by purchased leave
Annual Leave Loading	Paid on ordinary salary rate Purchased leave does not attract leave loading
Allowances Overtime	Paid at the ordinary salary rate
Higher Duties Allowances (HDAs)	The HDA, being the difference between the ordinary rate of pay and the higher rate, is paid in addition to the purchased leave salary rate HDA is not paid during periods of five or more days of purchased leave

## **Termination of Salary Deductions for Purchased Leave**

(122) An employee may lodge a written request to the delegated officer to have salary deductions terminated, and may request the purchased leave balance to be paid out, where exceptional personal circumstances can be proven.

(123) Where an employee is seconded or appointed to another position, salary deductions will be terminated unless the receiving Faculty/Division agrees to continue the arrangement.

(124) Where an employee proceeds on leave without pay up to and including two months, deductions will be suspended and no purchased leave will accrue during this period.

(125) Where an employee proceeds on leave without pay in excess of two months, salary deductions will be terminated and the balance reconciled.

(126) On termination of purchased leave arrangements, the employee's salary will revert to the ordinary salary rate for all salary and leave purposes

(127) On termination or redundancy the purchased leave balance will be reconciled and the final pay will be calculated on the ordinary salary rate.

## **Part F - Special Leave**

### **Entitlement and Purpose**

(128) A full time employee (other than a casual employee) shall be entitled to 10 working days of paid special leave from 1 January each year. The unused component of the annual special leave entitlement shall not be cumulative.

(129) The special leave entitlement for a part-time employee shall be calculated on the appropriate fraction of the special leave entitlement for a full-time employee.

(130) Employees appointed after 1 January of a calendar year shall have their special leave entitlement for that year calculated on a pro rata basis.

(131) The unused component of the annual special leave entitlement shall not be paid out on termination.

(132) Special leave shall be kept to the minimum time necessary in the particular circumstance.

(133) An employee may use special leave during the following absences:

- a. concurrent parental leave within three months of their current partner giving birth to a child for whom the employee has parental responsibilities;
- b. giving birth to a child for whom the employee has parental responsibilities, where the employee is not eligible for paid maternity leave;
- c. taking custody of a foster child for whom the employee has parental responsibilities;
- d. to attend meetings or training associated with his or her union delegate activities;
- e. a life-threatening illness, serious accident or death of a member of the employee's immediate family or their same household. The Vice-Chancellor (or nominee) may require an employee to provide satisfactory evidence of the death of the member of the employee's immediate family or household;
- f. situations of domestic violence that an employee may be experiencing and if the 10 days of leave entitlement under personal leave is exhausted;
- g. to meet cultural or religious obligations of significance.
- h. for an employee who is a member of an Aboriginal or Torres Strait Islander community to meet ceremonial

obligations or prepare for or attend National Aboriginal and Islander Day Observance Committee (NAIDOC) Week functions;

- i. to undertake activities of direct benefit to the community (for example blood donation, and emergency assistance including fire-fighting); or
- j. to attend to, and travel to, and from examinations for courses approved by the University, retirement seminars or personal emergency situations such as fighting fires or floods.

## **Part G - Defence Force Leave**

### **Entitlement and Purpose**

(134) Leave of absence on full-pay for a period not exceeding ten (10) working days in any calendar year may be granted to an employee who is a volunteer part-time member of the Defence Force. Such leave may be granted for the purpose of deployment, attending a training camp, drill parade, school, class or course of instruction.

(135) Additional 'top up' paid leave, equal to the difference between the employee's defence force income and their University salary, will be provided for a period of 12 weeks where the University is in receipt of the Federal Government's Employer Support Scheme for Defence Reservists.

### **Application for Defence Force Leave**

(136) An application for defence force leave shall be accompanied by evidence of the requirement to attend. At the expiration of such leave, a certificate of attendance shall be furnished. Where leave of absence has been approved payable at the rate of the difference between employee's ordinary salary and defence force pay, the employee shall furnish a detailed certificate of the defence force pay received.

(137) Where an employee is called for full-time National Service Training or full-time defence force duty because of a defence emergency, the employee may be granted leave with pay for the period required to render service with the Defence Force payable at the rate of the difference between the employee's ordinary salary and the defence force pay.

## **Part H - Leave Without Pay**

### **Purpose**

(138) Leave without pay may be granted for appropriate purposes at the discretion of the University.

### **Public Holidays during Leave Without Pay**

(139) Where an employee is absent on leave without pay and the total period of such leave does not exceed five working days, the employee shall be paid for public holidays occurring during such absence.

### **Leave Without Pay to Count as Service**

(140) Leave without pay not exceeding two months per calendar year shall be recognised as service for the accrual of other forms of leave and for salary progression.

(141) Approved leave without pay which is taken for the purpose of illness, defence force service, or to attend an approved training course shall be recognised as service for the accrual of other forms of leave and for salary progression.

## **Leave Without Pay for Family Responsibilities**

(142) Leave without pay may be granted to enable employees to undertake family and parental responsibilities, such as to provide long term care of a close relative or family member who is ill, to minimise disruption to dependent care arrangements or to care for children during school holidays.

## **Superannuation Obligations**

(143) An employee will be required to meet all superannuation obligations applying to the relevant fund during a period of leave without pay.

# **Part I - Public Holidays**

## **Days of Observance**

(144) The University shall observe as Public Holidays the days proclaimed for the jurisdiction in which the respective campus is located.

## **Requirement to Attend Work**

(145) The Vice-Chancellor (or nominee) may require the attendance of an employee to work on a public holiday. In requiring such attendance, the University shall endeavour to restrict such attendance to those employees who wish to work on such days.

## **Payment of Overtime**

(146) An employee required to work overtime on a public holiday shall be paid at the rate of double time-and-a-half for all hours worked on such day, with a minimum payment of three hours for such work.

## **Seven Day Shift Workers**

(147) Where a public holiday falls due on a day on which a "seven day shift work employee" is rostered off duty or on annual leave, the University shall add one day to the employee's annual leave entitlement, provided that this provision shall only apply to those employees who accrue annual leave at the rate of 20 days per annum.

## **Annual Leave**

(148) Where a public holiday falls on a day on which an employee is on annual leave, such a day shall not be debited against the employee's annual leave entitlement, provided that this provision shall not apply to those employees referred to in clause (146).

## **Bank Holiday**

(149) The Vice-Chancellor shall grant a holiday, on a day to be determined by the University, in lieu of the Bank Holiday.

## **Annual Close-Down**

(150) The Vice-Chancellor may approve the annual close-down of all or part of the University during the Christmas/New Year period in any year for the purpose of providing an annual holiday. Where the University is closed down during such a period, an employee shall be required to take annual leave to credit, flextime to credit (or debit) or other accumulated time, except on a day where a public holiday falls due or a day is granted by the Vice-Chancellor in lieu of the Bank Holiday.

## **Part J - Jury and Witness Service**

### **Jury Service**

(151) An employee (other than a casual employee) who is required to attend for jury service shall be considered to be on duty while serving in such a capacity. Any monies paid to an employee (other than meal or travel expenses) by the court while serving as a juror shall be paid by the employee to the University.

(152) An employee shall notify their supervisor as soon as possible of the date(s) on which he or she is required to attend for jury service.

(153) An employee who is required to attend for jury service shall provide their supervisor with documentary evidence of attendance, the duration of such attendance and the amount paid in respect of such jury service.

### **Employee Called as a Witness**

(154) An employee (other than a casual employee) subpoenaed or called as a witness in an official capacity, or by the Crown, shall be considered to be on duty while serving in such a capacity. Any monies paid by a third party to an employee whilst serving as a witness shall be paid by the employee to the University, except where the University has not made payment for the expenses incurred by the employee (e.g. sustenance, travel or meal expenses).

(155) An employee who is subpoenaed or called as a witness in a private capacity shall be granted leave without pay by the Vice-Chancellor (or nominee) for the period of absence from duty or, alternatively, the employee may elect to take annual leave or long service leave to credit and to retain any monies paid to him or her as a witness.

## **Section 5 - Guidelines**

(156) Nil.



## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	9th December 2014
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<b>Unit Head</b>	Rick Willmott Executive Director, People and Culture
<b>Author</b>	Deborah Bardon Executive Officer +61 2 63386411
<b>Enquiries Contact</b>	Deborah Bardon Executive Officer +61 2 63386411