Leave Without Pay Procedure

Policy Code: HR1609

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Purpose

To outline the procedure for staff seeking to take a period of Leave without pay from their employment at the University.

The procedure assists staff and their Supervisors to clearly understand the eligibility criteria and application process required for a period of leave without pay.

Scope

This procedure applies to all staff at the University who have a continuing or fixed-term employment. This procedure does not apply to casual or sessional staff members.

Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuing Employment:</td>
<td>Means employment other than fixed-term or casual employment. Continuing Employment may be on either a full time or fractional part-time basis and will have no fixed end date.</td>
</tr>
<tr>
<td>Continuous Service:</td>
<td>Means a period of service at the University without a break (continuous employment).</td>
</tr>
<tr>
<td>Fixed-term Employment:</td>
<td>Means employment that is for a specified or ascertainable period. The contact for this employment will specify the starting and finishing dates of that employment (or in lieu of a finishing date, will specify the circumstance(s) or contingency relating to a specific task or project, upon the occurrence of which the term or employment shall expire). Fixed-term employment can be on either a full-time or fractional part-time basis.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>-----------------------------------------------------</td>
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</tr>
<tr>
<td>Leave Without Pay Agreement:</td>
<td>Formal acknowledgement by the University of the acceptance of a Leave Without Pay Application, which will detail the terms and conditions of the Leave Without Pay and the start and finish dates of the Leave Without Pay Period.</td>
</tr>
<tr>
<td>Leave Without Pay Application:</td>
<td>A formal request from a staff member detailing the reasons for seeking a period of leave without pay. The application must be in writing using a Staff Leave Application Form specifying the date the proposed leave will start and finish and any documentation or additional information that will support the application.</td>
</tr>
<tr>
<td>Leave Without Pay Period:</td>
<td>Means the defined period of leave where the staff member will not receive any salary or benefits from the University.</td>
</tr>
<tr>
<td>Staff Member:</td>
<td>Any person who is an employee of the University who holds a continuing or fixed-term contract of employment.</td>
</tr>
<tr>
<td>External Secondment:</td>
<td>means a temporary transfer out of the University to another organisation for a specific period of time.</td>
</tr>
<tr>
<td>Supervisor:</td>
<td>The Deputy Vice-Chancellor, Senior Deputy Vice-Chancellor, Deputy Vice-Chancellor, Executive Dean of School, Head or Deputy Head of School or Associate Dean, Director, Manager or other staff members who have direct responsibility for the management of the Staff Member.</td>
</tr>
</tbody>
</table>

**Actions**

All applications for leave without pay should, where possible, be received by Human Resources at least two months prior to the commencement date of the leave.

**Application Process**

The following process must be followed for all Leave Without Pay Applications.

**Requests up to and including four (4) weeks**

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A Staff Leave Application Form and relevant documentation should be submitted to the staff member’s immediate supervisor for consideration and approval/non-approval at least 60 days prior to the proposed commencement date (where possible).</td>
<td>Staff member</td>
</tr>
<tr>
<td>2. Forms should then be forwarded to the relevant Executive Dean/Director (or Deputy Vice-Chancellor, where applicable) for endorsement. Applications that are not approved must have documented reasons justifying the non-approval attached to the application form prior to it being sent to the relevant Executive Dean/Director or applicable DVC.</td>
<td>Supervisor Relevant Executive Dean/Director or applicable DVC.</td>
</tr>
<tr>
<td>3. The immediate supervisor will advise the staff member in writing if their application has been approved or declined.</td>
<td>Supervisor</td>
</tr>
<tr>
<td>4. All applications must be forwarded to Human Resources of approval/non-approval for review/processing and/or filing within five (5) working days of approval/non-approval.</td>
<td>Supervisor</td>
</tr>
</tbody>
</table>

**Request in excess of four (4) weeks**
<table>
<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A Staff Leave Application Form must be submitted to the staff member's immediate supervisor, along with any relevant supporting documentation at least 60 days prior to the proposed commencement date (where possible).</td>
<td>Staff Member</td>
</tr>
<tr>
<td>2. The request and comments of the supervisor should then be forwarded to the Director, Human Resources within five (5) working days of receipt. The statement from the Supervisor should contain recommendations for acceptance of the application and details of arrangements proposed to cover the staff member's duties should leave be granted or indicate if the application is not supported. Applications that are not supported must have documented reasons justifying the non-approval attached to the application form.</td>
<td>Supervisor</td>
</tr>
<tr>
<td>3. The Director, Human Resources will review all the documentation provided and make a recommendation to the Vice-Chancellor (or nominee) regarding the leave without pay application. The Vice-Chancellor (or nominee) will consider all the relevant information and a final decision.</td>
<td>Director, Human Resources and Vice-Chancellor.</td>
</tr>
<tr>
<td>4. The staff member will be advised in writing by Human Resources if their leave without pay application has been approved or declined.</td>
<td>Human Resources</td>
</tr>
</tbody>
</table>

Please note that both supported and unsupported applications must be forwarded to Human Resources for review/processing and/or filing.

**Extent of Leave**

Approved leave without pay periods will not normally exceed **one year**. Leave without pay of **up to two years** may be approved at the discretion of the Vice-Chancellor and following the presentation of additional documentation.

**Conditions under which Leave Without Pay may be granted**

(a) Leave without pay may be granted to enable a staff member:

- to take up a limited term appointment such as Research Fellowship, temporary lectureship, etc. at another institution; or
- to take up a brief fixed term appointment with another institution or government body, (that may aid in the development and expertise of the staff member as well as being in the interests of the University); or
- to undertake a consultancy with a government, international organisation or other approved body; or
- to undertake a program of study, or carry out a research program or project which falls outside the provision of staff development leave; or
- to accompany a partner on extended leave or secondment; or
- to settle affairs of a personal nature where an extended period of leave is required; for example, to execute an estate or care for dependants or family members in the case of illness, accident or bereavement; or
- to extend personal leave where credits have been exhausted.

** This list should be considered to be illustrative and not prescriptive. Other reasons may be acceptable and will be assessed on a case-by-case basis.
Leave without pay cannot be used in order to take up another appointment within the University.

(b) Approval of such leave will be conditional upon a staff member exhausting all annual leave accruals and, if the leave without pay request relates to an illness, exhausting personal leave accruals, prior to any leave without pay period commencing.

(c) The timing of the leave may be a consideration to determine whether or not to grant the leave.

(d) Staff members must make their own arrangements in relation to salary deductions, e.g. Union deductions, health benefits, etc. (Superannuation is referred to below.)

**Authority to Approve Leave Without Pay**

For periods of **up to and including four weeks**, the staff member's immediate supervisor may approve leave without pay requests. This approval must be endorsed by the supervisor's relevant Executive Dean/Director or applicable DVC/VC.

For periods in **excess of four weeks**, the Vice-Chancellor (or nominee) will determine if a request for leave without pay is approved or declined, having first received a recommendation from the Director, Human Resources.

**Public Holidays during Leave Without Pay periods**

All public holidays observed during the approved Leave Without Pay period will form part of the Leave Without Pay period and no payment will be made in respect of public holidays.

**Accrual of Annual Leave, Personal Leave and Long Service Leave**

**Annual Leave**

For staff members employed under the current University Collective Agreement, annual leave will not accrue on leave without pay periods of more than 20 days.

For staff members employed under the current Victorian TAFE teaching agreement annual leave will not accrue during any period of leave without pay.

**Personal Leave**

For staff members employed under the current University Collective Agreement, personal leave will not accrue on leave without pay periods of more than 20 days.

For staff members employed under the current Victorian TAFE teaching agreement personal leave will not accrue during any period of leave without pay.

**Long Service Leave**

For staff members employed under the current University Collective Agreement, a period of leave without pay will not break the staff members continuity of service, however only 20 days of the leave without pay period will count towards the calculation of long service leave accruals.

For staff members employed under the current Victorian TAFE teaching agreement a period of leave without pay will not break the staff members continuity of service, however the leave without pay period will not count towards the calculation of long service leave accruals.
Personal Leave Without Pay

Staff members who have exhausted all of their personal leave, recreation leave and long service leave entitlements may apply for personal leave without pay.

Requests for personal leave without pay must be on a Staff Leave Application Form and be accompanied by a medical certificate from registered health practitioner.

Applications for personal leave without pay must be sent to the Staff Member's immediate Supervisor. All applications for personal leave without pay must be forwarded to the Director, Human Resources for approval within 10 days of receipt by the School or Portfolio.

Staff members who wish to return to work after a period of personal leave without pay in excess of 13 weeks must provide a medical certificate from a registered medical practitioner that states they are fit to return to the workplace before a return to work will be approved.

Incremental Progression

For staff employed under the current University Collective Agreement, periods of leave without pay that are less than twenty (20) days in any one year will not affect incremental progression entitlements or due dates.

For periods of leave in excess of twenty (20) days, incremental progression and the future date for further incremental advancement will be delayed commensurable to the length of absence of leave without pay that exceeding twenty (20) days.

For staff employed under the current TAFE teaching agreement, incremental progression will only occur in line with the provisions of that agreement.

Superannuation during Leave Without Pay Period

Superannuation entitlements during a period of leave without pay will be determined by the relevant superannuation fund.

When taking leave without pay a staff member will normally have the following options:

- maintain full benefits by arranging for both member and employer contributions to be continued. For UniSuper Defined Benefit Plan and Accumulation Super (2) members both the contributions and benefits would be based on the salary at the date the leave without pay commenced; or
- make no contributions, in which case the period of leave is counted as a period of zero service fraction. Death and disablement benefits may continue to some extent but this will depend on the superannuation scheme the staff member is in;
- for Victorian State Superannuation members other options may be available in relation to the payment of half or a percentage of contributions. Conditions will apply to death or disablement cover and these vary depending on Revised, New Scheme or VicSuper provisions.

Staff members contemplating leave without pay should discuss their options with the Manager, Payroll and Systems. Any option to maintain full benefits will be expensive.

Leave to count as service

Leave without pay will not affect continuity of service but pursuant to the relevant agreement may affect calculations for the length of service for a staff member.
Policy Base

• Leave without Pay Policy

Associated Documents

• University Collective Agreement
• Victorian TAFE Teaching Staff Multi-Business Agreement 2009
• Fair Work Act 2009

Forms.

• Employee Leave Form (DOCX 88.1kb)

Forms/ Record Keeping

<table>
<thead>
<tr>
<th>Title</th>
<th>Location</th>
<th>Responsible Officer</th>
<th>Minimum Retention Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leave without Pay Application and supporting documents and written responses to all applications.</td>
<td>Staff Personnel File</td>
<td>Director, Human Resources</td>
<td>50 years after separation date</td>
</tr>
</tbody>
</table>

Implementation

The Leave without Pay Policy and Procedure are to be implemented throughout the University community via:

1. An Announcement Notice via ‘FedNews’ website and on the ‘Recently Approved Documents’ page on the ‘Policies, Procedures and Forms @ the University’ website to alert the University-wide community of the approved Procedure.
2. Inclusion on the University's online Policy Library;
3. Publishing of links on the Human Resources web pages;
4. Information provided by Human Resources to staff members, Executive Deans of Schools, Head and Deputy Heads of Schools, Directors and Managers.