Purpose

To outline the procedure for staff requesting a period of leave without pay from their employment with the University.

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

Scope

This procedure applies to all academic, general and TAFE teaching employees of the University who have 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>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>
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<tr>
<td>Continuous service:</td>
<td>A period of service at the University without a break (continuous employment).</td>
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<tr>
<td>Fixed-term employment:</td>
<td>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).</td>
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</tbody>
</table>
**Term** | **Definition**
---|---
Fixed-term employment | Can be on either a full-time or fractional part-time basis.
Leave Without Pay Letter | Formal acknowledgement from the University of the approval of a request for leave without pay, which will detail the terms and conditions of the leave without pay and the start and finish dates of the leave without pay period.
Leave Without Pay Application | 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.
Leave without pay period | The defined period of leave where the staff member will not receive any salary or benefits from the University.
Staff member | Any person who is an academic, general and TAFE teaching employee of the University who holds a continuing or fixed-term contract of employment.
External Secondment | A temporary transfer out of the University to another organisation for a specific period of time.
Supervisor | The Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor, Dean, Deputy Dean, Associate Dean, Director, Manager or other staff member who has direct responsibility for the management of the staff member.

**Actions**

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

**Request Process**

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

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

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
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</thead>
<tbody>
<tr>
<td>1. A Staff Leave Application Form and relevant supporting documentation should be submitted to the staff member's immediate supervisor for consideration and endorsement/non-endorsement at least 2 months prior to the proposed commencement date (where possible).</td>
<td>Staff member</td>
</tr>
<tr>
<td>2. The immediate supervisor should review and make a recommendation regarding approval/non-approval of the request, and then forward this to the relevant Dean/Director (or Deputy Vice-Chancellor or Pro Vice-Chancellor where applicable) for approval/non-approval.</td>
<td>Supervisor Relevant Dean/Director or applicable Deputy Vice-Chancellor or Pro Vice-Chancellor.</td>
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### Request in excess of four (4) weeks

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
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</thead>
<tbody>
<tr>
<td>1. A request for Leave without pay and any relevant documentation must be submitted to the staff member's immediate supervisor, along with any relevant supporting documentation for consideration and endorsement at least 2 months prior to the proposed commencement date (where possible).</td>
<td>Staff Member</td>
</tr>
<tr>
<td>2. The request and endorsement statement 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 request and details of arrangements proposed to cover the staff member’s duties should leave be granted or indicate if the request is not supported. Requests that are not supported must have documented reasons supporting the non-approval attached to the request.</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 request.</td>
<td>Director, Human Resources and Vice-Chancellor.</td>
</tr>
<tr>
<td>Action</td>
<td>Responsibility</td>
</tr>
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<td>-------</td>
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</tr>
<tr>
<td>The Vice-Chancellor (or nominee) will consider all the relevant information and make the final decision.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>The staff member will be advised in writing by Human Resources if their leave without pay request has been approved or declined.</td>
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</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**. In exceptional circumstances, 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**

- Authority to Approve Leave Without Pay
- Public Holidays during Leave Without Pay periods
- Accrual of Leave
- Personal Leave Without Pay
- Incremental Progression
- Superannuation during Leave Without Pay Period
- Leave to count as service

**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 supervisor being the Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor, Dean, Deputy Dean, Associate Dean, Director, Manager or other staff member.

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 Leave**

For staff members employed under the current **University Collective Agreement**, annual leave personal leave and long service 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, personal leave and longer service leave will not accrue during any period of leave without pay.

**Personal Leave Without Pay**

Staff members who have exhausted all of their personal leave, annual 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 a 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 approved by the University that certifies fitness to return to the workplace before a return to work will be approved. Where the University has directed their medical practitioner to be consulted for these purposes, the medical accounts will be paid for by the University.

**Incremental Salary 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 salary progression eligibility or anniversary date.

For periods of leave in excess of twenty (20) days, incremental salary progression and the future date for further incremental salary progression will be delayed by the period of the absence of leave without pay that exceeded twenty (20) days.

For staff employed under the current **Victorian TAFE Teaching Agreement**, incremental salary 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 (i.e. the staff member pays for both contributions). 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; or
- 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 their **HR Business Partner**.
Leave to count as service

Periods of leave without pay will generally affect calculations in relation to overall University employment and will be taken into consideration when determining redundancy and termination payments.

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>
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</thead>
<tbody>
<tr>
<td>Leave without Pay Application and supporting documents</td>
<td>Staff Personnel File</td>
<td>Director, Human Resources</td>
<td>50 years after separation date</td>
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<td>and written responses to all applications.</td>
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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, Deans, Deputy Deans, Directors and Managers.