

Leave Without Pay Procedure

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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

| Term | Definition |
|-------------------------------|---|
| Continuing appointment | Employment with no fixed end date and that does not include casual or sessional employment may be on either a full-time or fractional part-time basis. It infers an ongoing or permanent meaning to employment. |

| Term | Definition |
|--------------------------------------|---|
| Continuous service | A period of service at the University without a break (continuous employment). |
| Fixed-term employment | Employment for a specified term or ascertainable period, for which where the employment contract will specify a period of employment (or circumstances in lieu of a finishing date) and the reason/s for the appointment being fixed-term as identified in the relevant industrial agreement. Fixed-term appointments may 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 | <p>A formal request from a staff member detailing the reasons for seeking a period of leave without pay.</p> <p>The application must be in writing using an Employee Leave Form specifying the date the proposed leave will start and finish and any documentation or additional information that will support the application.</p> |
| 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. |
| Secondment | A fixed-term appointment for internal applicants only who have a substantive position to return to at the end of the secondment period. |
| Internal Secondment | A Federation University staff member is the successful applicant in a Federation University Recruitment and Appointment for a fixed-term position. |
| External Secondment | A Federation University staff member is the successful applicant for a fixed-term position with an external organisation or another organisation requests the University's services, which results in a staff member working for the external organisation for a defined 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 People and Culture **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 weeks

| | Action | Responsibility |
|----|---|---|
| 1. | An Employee Leave Form and relevant supporting documentation should be submitted to the staff member's immediate supervisor for consideration and endorsement/non-endorsement at least two months prior to the proposed commencement date (where possible). | Staff member |
| 2. | <p>The immediate supervisor should review and make a recommendation regarding approval/decline of the request, and then forward this to the relevant delegated officer for approval/decline.</p> <p>Requests that are not approved must have documented reasons for the non-approval attached to the application form prior to it being sent to the relevant delegated officer.</p> | <p>Supervisor</p> <p>Relevant Dean/Director or applicable Deputy Vice-Chancellor, Chief Operating Officer or Pro Vice-Chancellor.</p> |
| 3. | The immediate supervisor will advise the staff member in writing if their request has been approved or declined. | Supervisor |
| 4. | All requests must be forwarded to People and Culture following approval/non-approval for processing and/or filing within five working days of approval or decline. | Supervisor |

Request in excess of four weeks

| | Action | Responsibility |
|----|---|----------------|
| 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 two months prior to the proposed commencement date (where possible). | Staff Member |
| 2. | The request and endorsement statement of the supervisor should then be forwarded to the Director, People and Culture within five working days of receipt. | Supervisor |

| | Action | Responsibility |
|----|---|------------------------------|
| | <p>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.</p> <p>Requests that are not supported must have documented reasons supporting the non-approval attached to the request.</p> | |
| 3. | The Director, People and Culture or delegate will review all the documentation provided and determine if approved or declined. | Director, People and Culture |
| 4. | The staff member will be advised in writing by People and Culture if their leave without pay request has been approved or declined. | People and Culture |

Please note that both supported and unsupported applications must be forwarded to People and Culture 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 Director, People and Culture and following the presentation of additional supporting 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; and
- 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 delegated officer.

For periods in excess of four weeks, the Director, People and Culture will determine if a request for leave without pay is approved or declined.

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 [Federation University Australia Union Enterprise Agreement 2019–2021](#), 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 [Federation University Australia TAFE Teaching Staff Agreement 2019](#), annual leave, personal leave and long 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 an [Employee Leave 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 in excess of four weeks, must be forwarded to the Director, People and Culture for approval within five working days of receipt by the School/Directorate/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 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 [Federation University Australia Union Enterprise Agreement 2019–2021](#) periods of leave without pay that are less than twenty days in any one year will not affect incremental salary progression eligibility or anniversary date.

For periods of leave in excess of twenty 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 exceeds twenty days.

For staff employed under the current [Federation University Australia TAFE Teaching Staff Agreement 2019](#), 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. This would be arranged by direct contact with your nominated superannuation fund;

- 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

- [People and Culture Policy](#)

Associated Documents

- [Federation University Australia Union Enterprise Agreement 2019–2021](#);
- [Federation University Australia TAFE Teaching Staff Agreement 2019](#);
- [Fair Work Act 2009 \(C'wealth\)](#).

Forms.

- [Employee Leave Form](#) (DOCX 156.7kb)

Forms/ Record Keeping

| Title | Location | Responsible Officer | Minimum Retention Period |
|---|----------------------|------------------------------|--------------------------------|
| Employee Leave Form and supporting documents and written responses to all applications. | Staff Personnel File | Director, People and Culture | 50 years after separation date |

Responsibility

The Director, People and Culture (as the Approval Authority) is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.

The Associate Director, Organisational Development and Performance (as the Policy Sponsor) is responsible for maintaining the content of this procedure as delegated by the Director, People and Culture.

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 People and Culture web pages;
4. Information provided by People and Culture to staff members, Deans, Deputy Deans, Directors and Managers.