

LEAVE POLICY

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| Document ID | Leave Policy |
| Related Documents | Leave Without Pay Policy Parental Leave Policy |
| Date | 16 December 2016 |
| Date of Next Review | 16 December 2018 |
| Authorised by | Director of Accreditation, Compliance and Quality Assurance |
| Approved by | Executive Management Team [10 January 2017] |
| Version | 1.1 |
| Responsible Officer | HR Manager |
| References and Legislation | Fair Work Act 2009 (Cth) (the Act) |

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1. Purpose

This Policy deals with the taking of annual leave, personal/carer's leave, community service leave and long service leave. It applies to all full-time, part-time and casual employees as detailed in the Policy.

2. Scope

This Policy does not form part of any employee's contract of employment and not intended to override the terms of any award, enterprise agreement or contract that applies to an employee.

3. Definitions

| Item | Definition |
|-------------------------|---|
| <i>Act</i> | Fair Work Act 2009 (Cth) (the Act) |
| <i>Base Rate of Pay</i> | The rate of pay the employee receives for their ordinary working hours. It does not include any of the following: (a) Incentive based payments and bonuses; (b) Loadings; (c) Monetary allowances; and (d) Overtime or penalty. |
| <i>Child</i> | Includes an adopted child, stepchild, an ex-nuptial child and an adult child |
| <i>De facto partner</i> | A person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or difference sexes) and includes a former de facto partner of the employee. |
| <i>Immediate family</i> | Means: (a) a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or (b) a child, parent, grandparent, grandchild or sibling of a spouse of the employee. |
| <i>Spouse</i> | Includes a former spouse, a de facto spouse or a former de facto spouse |

4. Annual Leave

APIC provides annual leave in accordance with the Act.

Annual leave is an important element ensuring that staff get a well-earned rest every year.

All permanent staff are allocated 20 working day's annual leave that accrues in arrears. That is at the end of each year of service you are awarded annual leave. Leave before the end of the first year may be granted in exceptional circumstances. Any additional days will be leave without pay and are only granted under exceptional circumstances.

All permanent part time staff are allocated leave as above on a prorated basis. That is if you are employed for 2 days per week you will get 8 days per annum (2/5 of 20 days).

Annual leave accrues on a daily basis.

Casual and Contractor staff do not get annual leave.

4.1 Amount of leave

For each year of service, an employee (other than a casual employee), subject to their hours and employment status, progressively accrues 4 weeks of paid annual leave.

Annual leave accrues progressively from year to year.

4.2 Taking annual leave

Annual leave is to be taken for a period agreed between the employee and APIC. APIC will not unreasonably refuse a request for annual leave from the employee outside of busy academic periods. Leave of greater than 1 week during teaching periods and examinations times will not be granted unless special approval has been granted by the Dean.

In addition to APIC directing an employee to take annual leave, employees can be directed to take annual leave in accordance with the relevant award or agreement that applies to them.

Without limiting APIC's capacity to direct, employees may be directed to take annual leave where it is reasonable. This might include where the employee has accrued an excessive amount of paid annual leave.

APIC requires staff to take annual leave during the Christmas/New Year shut down; typically, this may be up to 10 days. Some compulsory leave periods such as the Christmas/New Year shutdown are applied and will be debited against the employees leave allocation. If there is no leave available, it will be as leave without pay.

No employee is to accrue more than a total of 20 days leave without prior approval from the employee's line manager. This allows an employee, after first obtaining approval, to plan extended holidays for special events. Where leave reaches 20 days APIC will request the employee to take leave as soon as practical.

4.3 Payment on annual leave

Annual leave will be paid at the employee's base rate of pay for the employee's ordinary hours of work in the period. This will not include payment for any allowances, loadings, penalties or the like. The payment will be processed at the usual pay time.

4.4 Cashing Out Annual Leave

Award and agreement covered employees may only cash out annual leave in accordance with the terms of the award or agreement that applies to them. Cashing out annual leave will not be

permitted if there is no provision in the award or agreement which expressly permits cashing out.

Award free and agreement free employees may request APIC to cash out some of their accrued annual leave from time to time provided that:

- the employee maintains a minimum of 4 week's annual leave after the cashing out;
- APIC agrees; and
- the agreement to cash out is made in writing and signed by the employee and APIC.

4.5 Payment of annual leave on termination

Subject to the terms of any other agreement, contract or award, any accrued but untaken annual leave will be paid out on termination. Such payment will be the amount that would have been payable to the employee in accordance with clause 6.6 of this policy, had the employee taken that period of leave.

4.6 Casual employees

Casual employees have no entitlement to annual leave.

5. Personal Leave

APIC provides personal leave in accordance with the Act.

Personal leave encompasses sick leave and carer's leave.

For each year of service with APIC, an employee (other than a casual employee) will, subject to their hours and terms of employment, accrue 10 days of paid personal leave. Such leave accrues progressively during a year of service according to the employee's ordinary hours of work, and accumulates from year to year.

All permanent staff are allocated 10 working days leave that is classed as personal leave and includes family, sick, carer's and special leave. Leave is available from the day of commencement.

All permanent part time staff are allocated leave as above on a prorate basis. That is if you are employed for 2 days per week you will get 4 days per annum (2/5 of 10 days).

5.1 Taking paid personal/carer's leave

An employee may use their accrued paid personal/carer's leave for personal illness or personal injury affecting the employee. An employee may also use this leave to provide care and support to a member of the employee's Immediate Family, or a member of the employee's household, who requires care or support because of a personal illness, or personal injury affecting the member, or an unexpected emergency affecting the Immediate Family/household member.

In order to access an entitlement to personal/carer's leave, an employee is required to:

- comply with any requirements in their award, agreement and contract;
- as soon as practicable, inform the Reception that the employee will be absent from work because of personal illness or injury;

- inform APIC of the period of the absence; and
- provide evidence that would satisfy a reasonable person that the leave is taken for personal/carer's reasons as specified in this policy, such as either medical certificate or a statutory declaration.

5.2 Payment for personal/carer's leave

Paid personal/carer's leave for employees other than casuals, will be paid at the employee's base rate of pay for all ordinary hours of work in the period. This will not include payment for any allowance, loadings, penalties or the like. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

Employees may only cash out personal/carer's leave in accordance with the award or agreement that applies to them. Cashing out personal/carer's leave will not be permitted if there is no provision in the award or agreement which expressly permits cashing out.

If personal/carer's leave is cashed out, each cashing out of a particular amount of paid personal/carer's leave should be by a separate agreement in writing between APIC and the employee. The employee is required to retain a balance of 15 days personal/carer's leave after the cashing out, and will be paid the full amount that would have been payable to the employee had the employee taken the leave that the employee had forgone.

Award free and agreement free employees may not cash out personal leave.

Subject to the terms of any other agreement, contract or award, any accrued but untaken personal/carer's leave will not be paid out on termination of employment.

6. Unpaid Carer's Leave

Casual employees and those full-time and part-time employees who have used their entitlement to paid Carer's Leave, are entitled to up to 2 days' unpaid Carer's Leave for each occasion when a family member of the employee's Immediate Family or household requires care or support because of:

- a personal illness or injury of the member; or
- an unexpected emergency affecting the member.

7. Compassionate Leave

APIC provides compassionate leave in accordance with the Act.

Employees (other than casuals) are entitled to up to 2 days' paid Compassionate Leave for each occasion when a member of the employee's Immediate Family or a member of their household has a personal illness or injury that poses a serious threat to his or her life, or dies.

7.1 Payment for Compassionate Leave

Compassionate leave for employees other than casuals will be made at the employee's base rate of pay for the employee's ordinary hours of work in the period. This will not include payment for any allowances, loadings, penalties or the like. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

Compassionate leave cannot be cashed out.

Casual employees are entitled to up to 2 days off unpaid for each occasion when a member of the employee's Immediate Family or a member of their household has a personal illness or injury that poses a serious threat to his or her life, or dies.

In order to access an entitlement to compassionate leave, employees is required to as soon as practicable, inform the Reception that they need leave to:

- grieve following the death of a member of the employee's Immediate Family or a member of the employee's household; or
- attend the funeral of that Immediate Family member or a member of the employee's household; or
- spend time with an Immediate Family member or a member of the employee's household because that member has a personal illness or injury that poses a serious threat to his or her life.

An employee is also required to provide APIC with any evidence APIC requires to substantiate the fact that the leave is to provide care and support for an immediately family member suffering a personal illness or personal injury (such as a medical certificate or a statutory declaration), or is for one of the reasons for compassionate leave listed above.

As compassionate leave is an event based leave, it does not accrue and accordingly, will not be paid out on termination of employment.

8. Long Service Leave

Long service leave will be granted to all employees in accordance with applicable long service leave legislation as varied from time to time.

9. Community Service Leave

APIC provides Community Service Leave in accordance with the Act.

Community service leave incorporates jury service and voluntary emergency management activities.

9.1 Jury service

Employees are entitled to be absent from work in order to perform jury service.

Subject to the provisions detailed below, employees (other than casuals) who are absent from work in order to perform jury service are entitled to receive payment at their base rate of pay for ordinary hours of work for which they are absent for the first 10 days of absence on jury service minus any jury service pay received from the Court. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

9.2 Voluntary emergency management activities

An employee is entitled to be absent from work to undertake voluntary emergency management activities if:

- the employee engages in an activity that involves dealing with an emergency or natural disaster; and
- the employee engages in the activity on a voluntary basis (whether or not the employee is paid a gratuity); and
- the employee is a member of, or has a member-like association with, a recognised emergency body such as a fire-fighting, civil defence or rescue body; and either:
 - is requested by or on behalf of the body to engage in the activity; or
 - it is reasonable to expect that a such a request would have been made if circumstances permitted;
- the employee's absence is reasonable in all the circumstances.

The amount of time which APIC will permit an employee to be absent from work for a voluntary emergency management activity will depend on whether the employee's absence is reasonable and will be reassessed from time to time. However, as a guide, the absence time may consist of the time the employee engages in the activity, reasonable travelling associated with the activity and reasonable rest time immediately following the activity.

9.3 Accessing Community Leave Entitlements

In order to access an entitlement to community service leave, an employee is required to:

- comply with any requirements in their award, agreement and contract;
- as soon as practicable, inform the Reception that the employee will be absent from work due to either a voluntary emergency management activity or jury service leave;
- inform APIC of the period of the absence;
- provide evidence that the absence is because the employee has been or will be engaging in a voluntary emergency management activity or jury service leave; and
- in the case of absence for jury service, provide APIC with evidence of any jury service pay they have received or may be entitled to receive.

10. Leave Without Pay

See APIC's Leave Without Pay Policy

11. Parental Leave

See APIC's Parental Leave Policy

12. Applications for Leave

Any employee who requests leave of a type specified by this Policy should apply on-line through the ADP Portal and comply with the other relevant notice and documentation requirements outlined in this Policy.

13. Document Change Control

| <i>Version</i> | <i>Change Description</i> | <i>Date</i> | <i>Author</i> |
|----------------|--------------------------------------|------------------|---------------|
| 1.0 | Put in new policy format | 16 December 2016 | Corinne Green |
| 1.1 | Updated for changes to accrued leave | 19 February 2017 | Corinne Green |
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