

# Leave Management Rule

## Section 1 - Overview

(1) The University promotes a safe and healthy workplace and is committed to providing opportunities, where reasonable, for staff members to balance work and family/life responsibilities.

(2) This Rule ensures staff are aware of their leave entitlements and establishes how leave entitlements are managed throughout the University in accordance with the relevant Enterprise Agreements and legislation.

## Section 2 - Scope

(3) This Rule applies to all staff employed by the University under the [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#) or the [UNE Professional Staff Enterprise Agreement 2019-2022](#), or successor agreements, with the exception of casual staff.

## Section 3 - Rule

### General

(4) Staff members are provided with a variety of leave arrangements (paid and unpaid) that enable them to balance work with rest and recreation and family/life responsibilities.

(5) Leave must be covered by a leave application that has been approved by the Supervisor, or Head of Cost Centre, and where necessary with supporting evidence. The approval of the Supervisor must be sought in advance for the taking of all leave, with the exception of sick leave, family and personal leave and emergency services leave. Verbal approval of a Supervisor must be sought for emergency services leave.

(6) A recurring failure to seek approval for leave or a recurring failure to submit leave applications may be considered to be unsatisfactory performance.

(7) Staff on leave (including leave without pay) remain employed by the University.

(8) Staff employed on a fractional basis, and/or part of the year, are entitled to paid leave on a pro rata basis.

(9) In the case of extended unauthorised leave, the University may consider that staff have abandoned their employment and may take steps to terminate employment.

(10) At the time of termination, staff are entitled to be paid certain leave entitlements accrued in accordance with the relevant Awards, Enterprise Agreement and relevant legislation.

(11) Supervisors and staff are responsible for considering and balancing operational and individual needs when applying for and approving leave.

(12) Supervisors are responsible for monitoring annual leave and long service leave balances, and planning with staff to utilise these leave entitlements should form part of the annual Performance Planning, Development and Review

process.

(13) Succession planning should be considered by supervisors when approving extended leave as it may provide professional development opportunities for other existing staff.

## **Christmas Break**

(14) Staff (other than casual staff) will be entitled to leave on full pay between and including the period of Christmas Day and New Year's Day.

(15) Any day which falls during the Christmas break and is declared as a public holiday will form part of the Christmas break.

(16) Where the Christmas Break falls during a period of approved annual leave or sick leave, the leave will be treated as a University holiday and will not be deducted from the period of leave.

(17) Where a Professional Staff member is required to work during a Christmas Break (excluding public holidays), they will accrue time off equivalent to the quantum of time worked. Such time off should normally be taken within four (4) weeks of the Christmas break at a time mutually agreed between the staff member and their supervisor.

## **Annual Leave**

(18) Annual leave entitlements will be paid by the University in accordance with the relevant Enterprise Agreement.

(19) Annual leave may not be taken in advance of the entitlement accruing.

(20) Staff may accrue a maximum of forty (40) days annual leave, unless otherwise planned and mutually agreed between the staff member and supervisor.

(21) Where a staff member has accrued more than forty (40) days annual leave without the supervisor's agreement, the staff member and supervisor will agree on a leave management plan to reduce half the staff member's accrued balance within an agreed period.

(22) A staff member may be directed to take a period of annual leave if they have accrued more than forty (40) days annual leave and not complied with the agreed plan.

(23) Staff on fixed-term contracts are normally required to take their full annual leave entitlement during the course of their contract unless otherwise agreed in writing with the Head of Cost Centre.

(24) Staff may request the cashing out of part of any accrued annual leave entitlement, provided that:

- a. the staff member takes an amount of annual leave equal to or greater than the amount cashed out;
- b. the staff member retains an entitlement of a minimum of four (4) weeks annual leave; and
- c. the amount cashed out is at least five (5) days annual leave.

(25) An Application for Cashed Out Annual Leave must be submitted for approval at least four (4) weeks before the date of the annual leave, setting out the days of annual leave to be cashed out, the number of annual leave days applied for and the dates for the leave to be taken.

(26) Where the Head of Cost Centre approves the request to cash-out excess annual leave, the staff member will be paid at the rate of the staff member's substantive salary at the date of payment except that, where a staff member has been receiving a salary allowance (excluding overtime and shift penalties), the salary allowance will be included in the calculation of the cash payment.

- (27) The payment of excess leave cashed out will be on the first pay following the commencement of the leave applied for and taken.
- (28) Staff may not cancel an approved request to cash out leave.
- (29) A staff member will normally be permitted to request the cashing out of excess leave no more than once every three (3) years.
- (30) Where a staff member becomes sick during annual leave, and subject to adequate supporting evidence being provided to the Supervisor, annual leave will be re-credited for the period of illness and sick leave will be debited for the period of illness.
- (31) Where a public holiday falls during a period of annual leave, that day/s will not be debited as annual leave.
- (32) A staff member may seek approval to cancel annual leave that has previously been approved by submitting an application electronically through WebKiosk.

## **Long Service Leave**

- (33) Long service leave (LSL) entitlements will be paid by the University in accordance with the relevant Enterprise Agreement.
- (34) Long service leave may not be taken in advance of the entitlement accruing.
- (35) Public holidays occurring during a long service leave period will be regarded as part of the long service leave.
- (36) Staff may accrue a maximum of four-and-half (4 1/2) months (98 days) long service leave, unless otherwise planned and mutually agreed between the staff member and supervisor.
- (37) A staff member may be directed to take a period of long service leave if they have accrued more than four-and-half (4 1/2) months long service leave.
- (38) Recognition of prior service with other Australian universities, (and for Professional Staff only, wholly UNE-owned companies/entities), will be in accordance with the relevant Enterprise Agreement.
- (39) A staff member, who has advised the Head of Cost Centre in writing of their date of retirement, may take their entitlement to long service leave on either full-pay or on half pay for twice the period, leading up to their retirement. The period of leave must be within three (3) years of the staff member's advised retirement.
- (40) Where a staff member with ten (10) completed years of service resigns or whose employment is terminated, the staff member will be entitled to be paid the monetary value of the leave, or, where the staff member wishes, pay the equivalent of any accrued long service leave directly to the receiving university, provided that the receiving university agrees and will recognise the accrued long service leave.
- (41) Where a staff member with not less than five (5) completed years of service resigns as a result of pressing domestic or personal necessity, or whose employment is terminated by the University for reasons other than unsatisfactory performance or serious misconduct, the University will pay the staff member a proportionate amount of their long service leave entitlement.
- (42) A staff member on a fixed-term contract who has five or more years of service, will receive pro-rata payment of long service leave upon expiry of the fixed-term contact where the University does not offer a new fixed-term contract, provided that the staff member:

- a. Seeks to continue employment and has already completed employment in a second or subsequent fixed-term

contract; and

- b. Was entitled to severance payment in accordance with the relevant Enterprise Agreement.

(43) Where a staff member's employment ends as a result of redundancy, they will receive payment on a pro rata basis for long service leave accrued provided that the staff member has at least five (5) completed years of service.

(44) Where the death of a staff member occurs, the staff member's estate will receive pro rata entitlement to the long service leave accrued by the deceased staff member, provided that the staff member has at least five (5) completed years of service.

## **Sick Leave**

(45) Sick leave entitlements will be paid by the University in accordance with the relevant Enterprise Agreement.

(46) Where a public holiday, which would otherwise be a working day, falls during a period of sick leave, the absence on the public holiday will not be treated as sick leave.

(47) The anniversary date for the purpose of credit of sick leave entitlements is:

- a. For Professional staff employed after the [UNE Professional Staff Enterprise Agreement 2019 - 2022](#) came into effect, their anniversary of appointment;
- b. For Professional staff employed at the time the [UNE Professional Staff Enterprise Agreement 2019 - 2022](#) came into effect, the date the Agreement came into effect;
- c. For Academic staff and English Language Centre staff employed after the [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#) coming into effect, their anniversary of appointment; or
- d. For Academic Staff and English Language Centre staff employed at the time the [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#), 16 September each year.

(48) A staff member seeking approval for sick/personal leave will submit a medical certificate, statutory declaration or other supporting evidence of illness:

## **Academic Staff**

- a. for a single period of absence of five (5) working days or more; and
- b. if requested to do so, for any absence after taking five (5) separate periods of sick leave within a twelve (12) month period without providing a medical certificate.

## **Professional Staff**

- a. for a single period of absence of more than three (3) working days; and
- b. for any absence after taking five (5) separate occasions of sick leave within a twelve (12) month period.

(49) The University may require a staff member who has taken more than twenty five (25) days sick leave in any twelve (12) month period to undertake a medical examination for the purposes of obtaining an opinion of the staff member's medical condition.

## **Family and Personal Leave**

(50) Family and Personal leave entitlements will be paid by the University in accordance with the relevant Enterprise Agreement.

(51) Family/carer's responsibility leave is to care for a member of their immediate family or household who is ill or

incapacitated and requires care and support or who requires care due to an unexpected emergency.

(52) Bereavement/compassionate leave can be taken in the event of the death of a member of the employee's immediate family, or if a member of the employee's immediate family contracts or develops a personal illness that poses a serious threat to his or her life or sustains a personal injury that poses a serious threat to his or her life. It can also be accessed where a person of importance in the employee's culture dies, or for other reasons of a compassionate nature, given in writing and accepted by the University.

(53) Leave can be taken for religious, ceremonial and/or cultural reasons, such as attendance or participation in particular religious, ceremonial or cultural activities. Activities may include: undertaking the observances of a religion followed by the employee, or where an employee is a member of an Aboriginal or Torres Strait Islander community, participating in the ceremonial and cultural life of that community.

(54) A staff member seeking approval for family and personal leave will submit a medical certificate, statutory declaration or other supporting evidence:

### **Academic Staff**

- a. for a single period of absence of five (5) working days or more; and
- b. if requested to do so, for any absence after taking five (5) separate occasions of carer's leave within a twelve (12) month period without providing a medical certificate.

### **Professional Staff**

- a. for a single period of absence of more than three (3) working days; and
- b. for any absence after taking five (5) separate occasions of carer's leave within a twelve (12) month period.

(55) Requests for bereavement leave needs to be supported by such documentation as a death notice or obituary for bereavement.

(56) A staff member may not apply for bereavement/compassionate leave where the leave coincides with another period of leave.

(57) Professional Staff who have not yet accrued or who have exhausted family and personal leave entitlements may access accrued sick leave entitlements for family/carer purposes, or apply for unpaid leave. Available sick leave cannot be used for additional bereavement/compassionate, religious, ceremonial and or cultural reasons.

(58) Academic Staff and English Language Centre staff may use their sick leave credits for family/carer responsibilities and ten (10) days of their sick leave credits in any year of service for bereavement/compassionate, religious, ceremonial and or cultural reasons.

### **Parental Leave**

(59) Maternity/Primary Carer Leave:

- a. A staff member, other than a casual staff member who becomes pregnant, is entitled to a period of up to fifty two (52) weeks maternity/primary carer leave, consisting of twenty six (26) weeks on full pay plus twenty six (26) weeks unpaid, or other mutually agreed equivalent combination not exceeding fifty two (52) weeks total leave;
- b. Where both parents are UNE staff, the paid leave component of parental leave may be shared by both parents to a maximum combined payment (that is, twenty six (26) weeks pay) between both staff members to a maximum combined absence of fifty two (52) weeks. Only one (1) staff member may be on maternity/primary carer leave at any one time;

- c. Maternity/primary carer leave will be taken within the period from 20 weeks before the Estimated date of birth to 52 weeks after the commencement of the period of paid leave;
- d. A staff member who is pregnant may use prenatal leave (consisting of 21 hours), sick leave or other leave entitlements to attend regular or emergency prenatal medical appointments prior to commencing parental leave; and
- e. If a pregnant staff member provides acceptable evidence that she is fit for work but unable to perform her present position as a result of risks associated with the pregnancy, or hazards connected to that position, the University will transfer the staff member to an appropriate safe position. Where such a position is unavailable and the staff member has satisfied all notice and evidentiary requirements, the staff member will be entitled to sick leave or parental leave for the duration that the staff member would have been at risk.

(60) Partner Leave

- a. A staff member, other than casual staff, is entitled to partner leave to care and support the mother, consisting of three (3) weeks on full pay plus up to five (5) weeks unpaid;
- b. Where the birth mother is not a UNE staff member, an additional period, or periods of leave without pay may be taken provided the total absence on partner leave does not exceed fifty two (52) weeks; and
- c. Paid Partner leave must be taken in the period between three (3) months prior to and three (3) months after the EDB.

(61) Parental leave entitlements will be paid by the University in accordance with the relevant Enterprise Agreement.

(62) A staff member is entitled to twelve (12) months unpaid parental leave where the staff member adopts a child under the age of sixteen (16) years and the staff member has, or will have, a responsibility for the child. The staff member does not need to be the primary carer of the adopted child.

(63) No entitlement to parental leave or payment for parental leave remains for any period after which employment ceases.

(64) Parental leave may not be taken in broken periods unless mutually agreed for career development purposes.

## Other Leave

### Study, Examination and Graduation Leave (Professional staff)

(65) Continuing staff undertaking an approved course of study, who have at least one (1) year continuous service are eligible to apply for study leave.

(66) Fixed-term staff undertaking an approved course of study, who have at least one (1) years continuous service and have a further one (1) year appointment, are eligible to apply for study leave.

(67) Approved Study leave, for staff employed on a fractional basis, and/or part of the year, is on a pro-rata basis.

### Jury and Witness Leave

(68) A staff member required to attend jury service will have the option to choose to:

- a. be deemed to be "on duty" on normal pay. The staff member will pay to the University any fee paid for jury service other than for expenses; or
- b. take annual or long service leave.

(69) A staff member called as a witness by summons or subpoena or called as a witness in legal proceedings on a matter relating to University business, will be deemed to be "on duty" on normal pay. The staff member will pay to the

University any fee paid for their role as a witness other than for expenses.

(70) A staff member subpoenaed, summonsed or called as a witness in legal proceedings not relating to University business will be required to cover any absence as either annual leave or leave without pay.

### **Domestic Violence Leave**

(71) Paid Domestic Violence Leave may be approved by the Director People and Culture, where supporting evidence is provided.

### **Defence Force Reserves Leave**

(72) A staff member serving in the Navy, Army or Air Force Reserves is entitled to up to fifteen (15) days paid leave per annum to participate in defence service activities.

(73) Additional leave may be granted where the University is eligible to receive payment under the ADF Reserves Employer Support Payment Scheme (ESPS). Eligibility criteria for payment of the ESPS, as defined by the Federal Government, apply to both the University and reservist.

(74) Where a staff member applies for leave which is additional to their fifteen (15) days per annum but which does not meet the criteria for ESPS, may apply for annual leave, long service leave or leave without pay.

(75) Reservists, who attend natural disasters or other emergency situations, should apply for Emergency Services Leave.

### **Emergency Services Leave**

(76) Emergency services leave may be approved where:

- a. a staff member is a member of an emergency service organisation or other volunteer service performing similar functions;
- b. a staff member requests to assist in an emergency/disaster;
- c. a staff member ensures that the university is informed as early as possible the reason for the absence and its likely length; and
- d. the Head of Cost Centre can reasonably release a staff member from duty to assist in responding to the emergency/disaster.

(77) A staff member is eligible for up to three (3) days paid emergency service leave per emergency/disaster.

(78) Where the emergency/disaster is likely to require attendance for more than three (3) days, the Director People and Culture, will consider the benefit to the local community and determine whether the University will provide paid or unpaid leave, and for what additional period.

(79) Where paid leave is not approved, a staff member may apply for annual leave, long service leave or leave without pay.

(80) A staff member on sick leave or with a current workers' compensation claim is not eligible for emergency services leave.

### **Purchased Leave**

(81) Under the Purchased Leave scheme, a staff member may apply to reduce their working year by ten (10) days (two weeks) or twenty (20) days (four weeks), with salary proportionately reduced to fund the increase in additional paid leave in a twelve (12) month period.

## Leave Without Pay

(82) A staff member may apply for leave without pay by submitting a completed Multipurpose Leave form for approval by their Supervisor and Head of Cost Centre. Leave without pay for more than twelve (12) months also requires the Vice-Chancellor's approval.

(83) Leave without pay is granted at the discretion of the University and must be taken at times convenient to the University and in accordance with the leave procedures.

(84) Periods of leave without pay do not count towards the accrual of long service leave, annual leave or sick leave entitlements.

(85) A University holiday that falls within a period of leave without pay will be counted as part of the staff member's leave without pay.

(86) Staff will not be entitled to access sick leave while on leave without pay.

## Authority and Compliance

(87) The Vice-Chancellor and Chief Executive Officer, pursuant to Section 29 of the [University of New England Act 1993 \(NSW\)](#), makes this University Rule.

(88) UNE Representatives must observe it in relation to University matters. A failure to comply with this Rule may amount to misconduct/serious misconduct and/or unsatisfactory performance

(89) The Rule Administrator, the Director People and Culture, is authorised to make Policies and associated information for the operation of this University Rule. The Policies and associated information must be compatible with the provisions of this Rule.

(90) This Rule operates as and from the Effective Date.

(91) Previous Policy on Leave Management and related documents are replaced and have no further operation from the Effective Date of this new Rule.

(92) Notwithstanding the other provisions of this University Rule, the Vice-Chancellor and Chief Executive Officer may approve an exception to this Rule where the Vice-Chancellor and Chief Executive Officer determines the application of the Rule would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must be documented in writing and must state the reason for the exception.

(93) Where there is any unresolved interpretation of this Rule in relation to the provisions of the relevant Enterprise Agreement, the provisions of the relevant Enterprise Agreement take precedence.

## Section 4 - Definitions

For the purposes of this document the following definitions apply.

(94) Adoption means reference to a child who is not the natural child or step-child of the staff member or the staff member's partner.

(95) Approved course of study means a program of study/training that will lead to the attainment of skills or qualification considered by the University to be relevant to the staff member's current or potential employment with the University, regardless of whether it is a first or subsequent qualification or for other reasons as mutually agreed between the Head of Cost Centre and the staff member. This may include the study of single units not leading to the



attainment of a formal qualification.

(96) English Language Centre staff means the Academic Manager, Head Teacher and English Language Teachers as defined in clause 38.5 of the [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#).

(97) Enterprise Agreements means the [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#), the [UNE Professional Staff Enterprise Agreement 2019 - 2022](#), each as extended or varied from time to time, and is taken to include any agreement that replaces or varies one or more of these documents.

(98) Estimated date of birth (EDB) means the day certified by a medical practitioner to be the day on which the staff member or the staff member's partner, as the case may be, is expected to give birth to a child.

(99) Immediate family member includes a child (including an adult child, grandchild, adopted child, step child or child for whom the employee is a legal guardian or equivalent), spouse, partner (including same sex partner), former spouse or partner, parent, parent-in-law, grandparent, sibling or other family or household member.

(100) Parent includes step-parent, co-parent, biological, adoptive or foster parent.

(101) Parental leave may be paid or unpaid, and includes maternity/primary carer leave, partner leave, adoption leave, foster leave child rearing leave.

(102) Partner means spouse, former partner, de facto or same sex partner.

(103) Separate occasion means separate periods of time taken as sick leave, whether the time taken is for the same, or different, personal illness, injury or incapacity.

(104) Single period means a continuous period of time taken as sick leave for a specific personal illness, injury or incapacity. It does not mean multiple periods of leave for the same, or different, personal illness, injury or incapacity.

(105) Supervisor means the role to whom a position reports to.

(106) Where the word 'normally' is used, it means that it is the default position that must be followed unless exceptional circumstances exist that require a departure from the default position, as determined by the Rule Administrator acting reasonably.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	12th August 2016
<b>Review Date</b>	15th May 2020
<b>Approval Authority</b>	Vice-Chancellor and Chief Executive Officer
<b>Approval Date</b>	11th August 2016
<b>Expiry Date</b>	Not applicable
<b>Unit Head</b>	Kirsten Clayton Director People and Culture
<b>Enquiries Contact</b>	People and Culture +61 2 6773 3705

## Glossary Terms and Definitions

**"UNE Representative"** - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

**"Effective Date"** - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.