

## Leave Policy

### Policy Statement

Aims: To provide guidelines to accommodate the leave requests of staff with minimum disruption to the daily organisation and administration of the school.

To ensure discretionary leave is granted on a fair, equitable and reasonable basis.

### Rationale

A range of leave provisions are available to Department employees. The Principal has the responsibility for managing all leave and leave requests, as well as ensuring the smooth and efficient operating of the school.

This policy covers all types of leave.

### Implementation

In deciding upon an application the Principal will take the following points into consideration:

- The number of staff currently or applying to be on leave at the requested leave time
- Leave greater than 31 days will be given priority
- Previous leave granted
- Special events or activities that may be affected
- The person's role and responsibilities
- The welfare of students and staff
- Any accrued Long Service Leave
- The number of staff on leave from a particular year level and/or specialist area
- The availability of suitable replacement staff

Applications for Long Service Leave must be in writing to the principal.

Applications must be submitted to the Principal at least two full terms prior to commencement date.

- Applications for Terms 1 & 2 must be submitted to the Principal by June 1<sup>st</sup> of the previous year.
- Applications for Terms 3 & 4 must be submitted to the Principal by November 1<sup>st</sup> of the previous year.
- Applicants will be informed by the end of that term.

Applications outside these timelines may be considered in special circumstances.

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Applications must specify the exact dates of leave required and whether leave is required at full pay, half pay, combination of both or without pay.

Cancellation of Long Service Leave must be made in writing.

Applications for Long Service Leave on compassionate grounds may be submitted at any time.

There are several types of leave. See appendix 1

## References

School Policy and Advisory Guide Department of Education

## Review

As part of school's cyclic process

## Appendix 1

### Long Service Leave

An employee is entitled to 495.6967 hours (three months) of long service leave after ten years of full time eligible service, and 247.84835 hours (one and a half calendar months) of long service leave for each five years of full time eligible service thereafter. An employee may, however, access his or her long service leave entitlement on a pro-rata basis after seven years of eligible service. Part time employees accrue long service leave on a pro-rata basis.

For information about eligible service for long service leave purposes, see Service Recognised for Leave Purposes.

Employees may view their current long service leave entitlement, or forecast future entitlements, on eduPay.

On cessation of employment (including the expiration of a fixed period of employment), an employee may be entitled to payment in lieu of long service leave. For information, see Payment in lieu of entitlements.

### Leave Without Pay

Employees may be granted leave without pay for periods of up to twelve months for a range of reasons including:

- family reasons
- study or training
- employment, including self employment
- travel
- participate in, officiate at and/or train for sporting events
- pursuing the development of personal interests
- undertaking voluntary work, including participation in community and international aid programs
- campaigning for public office (other than an employee standing for a federal election who is required to resign)
- any other reason considered appropriate by the delegate.

### Paternity/Partner Leave

The purpose of Partner Leave is to enable an employee who has accepted responsibility for the care of a child (or children in respect of a multiple birth), to take leave to care for the child (or children in respect of a multiple birth) and/or the mother of the child (or children in respect of a multiple birth).

An employee who submits satisfactory evidence that he or she has accepted responsibility for the care of a child (or children in respect of a multiple birth) will be granted partner leave with pay, at the rate the employee would have received but for the absence on partner leave, for up to 38 hours, in aggregate, to care for the child (or children in respect of a multiple birth) and/or the mother of the child.

Satisfactory evidence includes medical certificate stating the expected birth date, or medical certificate stating the actual birth date, or certified photocopy of the extract of birth entry.

Leave must be taken within the period commencing one week before the expected date of confinement or the date from which the employee accepts responsibility for the child, and six weeks after the actual date of confinement or the date from which the employee accepts responsibility for the child, unless otherwise approved by the Secretary.

An employee who is eligible for paid partner leave, and is in receipt of payments under WorkSafe, is entitled to partner leave with pay less the amount paid by way of weekly compensation under the Accident Compensation Act 1985, and has no further entitlement to leave during the partner leave period.

An employee who is eligible for maternity or adoption leave is not eligible for partner leave in respect of the same child (or children in respect of a multiple birth).

## **Maternity Leave**

The purpose of the maternity leave provisions is to provide a measure of employment protection to women who bear children and to safeguard the health of the mother and child in the period preceding and after the birth of a child. There are two elements of maternity leave – the period of required absence and the paid maternity leave period as set out below:

An employee who is pregnant is required to absent herself from duty for the period commencing six weeks prior to the expected date of the child's birth, until six weeks after the actual date of confinement. This may not necessarily result in twelve weeks of required absence. For example, in a case where the birth occurs two weeks prior to the expected date of birth, the period of required absence will be ten weeks.

An employee is permitted to attend for duty during any part of the required absence period if the principal is satisfied that:

- she will be fit for duty for the relevant period (proof of which is to be by medical certificate supplied by the employee), and
- the attendance sought by the employee is at a time employees ordinarily attend for duty at that school.

Where an employee is permitted to attend for duty during part of the required absence period before the birth of the child, any paid maternity leave commences from the first day of absence from duty.

## **Paid maternity leave**

An employee who has at least twenty-six weeks' qualifying service within the fifty-two weeks immediately preceding the commencement of the maternity leave is eligible for fourteen weeks maternity leave with pay.

Qualifying service includes:

- duty (other than periods of casual employment or duty during the six weeks prior to the expected date of birth)
- approved leave with pay
- approved leave without pay that is determined to count as qualifying service
- other service that is determined to count as qualifying service.

While on maternity leave with pay, an employee will be paid at:

- the time fraction that she was working immediately before commencing maternity leave; or
- the time fraction that she was working immediately prior to commencing long service leave, if the employee ceases long service leave on half pay immediately before commencing maternity leave.

## Personal Leave

Personal leave is available to an employee when he or she is absent due to personal illness or personal injury; or to care for an immediate family or household member who is sick and requires the employee's care and support or who requires care due to an unexpected emergency.

Immediate family includes:

- the spouse or domestic partner (including a former spouse or former domestic partner) of the employee. A domestic partner means a person to whom the employee is not married but with whom the staff member is living as a couple on a genuine domestic basis (irrespective of gender) and
- a child or an adult child (including an adopted child, a stepchild or an ex nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee.
- Personal leave is not available to an employee:
  - during a period of leave without pay. However personal leave can be accessed immediately following the expiration of the approved period of leave without pay;
  - on account only of being pregnant or giving birth. However personal leave can be accessed for illness resulting from pregnancy or childbirth;
  - as a result of an illness or injury due to the misconduct of an employee or if an employee is absent from duty without sufficient cause.

Employees are credited with 114 hours personal leave on full pay on commencement of employment.

Employees employed on a part time basis have access to the personal leave provisions on a pro rata basis according to the time fraction worked.

Prior service with an approved employer may be recognised for personal leave purposes. In this case, personal leave credits will be calculated as if the approved prior service had been with the Department including the deduction of any personal leave taken during the period of prior service.

If in the first year of employment an employee exhausts his or her personal leave credits he or she may access personal leave credits which would later accrue up to a maximum of 114 hours. Employees employed on a fixed term basis for one or more periods can only accrue 114 hours personal leave in respect of each completed year of service.

Personal leave accrues at the rate of 114 hours on full pay for each completed year of service. Unused personal leave credits accumulate. To determine the current net personal leave entitlement for an employee, all personal leave with pay granted during his or her service is deducted from the amounts credited during his/her service and the period remaining is the net amount of personal leave credit.

## Bereavement Leave

An employee may be granted leave on full pay of up to three days on account of the death of a member of their immediate family or household for the purposes of making funeral arrangements and/or attending the funeral. For the purposes of this section 'immediate family' includes:

- A spouse or domestic partner (including a former spouse or former domestic partner) of the employee. A domestic partner means a person to whom the employee is not married but with whom the employee is living as a couple on a genuine domestic basis (irrespective of gender); and
- A child or an adult child (including an adopted child, a stepchild or an ex nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee.

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The principal may grant paid leave in other cases where, in their opinion, special circumstances exist such as where the employee is the only relative of the deceased person and is the only person available to make the funeral arrangements. Bereavement leave would not normally be granted beyond the date of the funeral.