

# Staff Leave



## Policy

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### Purpose of policy

This policy sets out the priorities for the granting of leave, the process of application and recognition of the particular circumstances of the school helping to ensure that leave is granted on an equitable basis within the school.

This policy establishes:

- The priorities for the granting of leave
- The process of application and decision making
- The recognition of the particular circumstances of the College helping to ensure that leave is granted on an equitable basis within the school

The issue of granting leave is a workforce planning and management issue as the College implements policy within the state-wide guidelines that is fair, consistent and works for the best interest of all members of the College community. The Principal, under Section 77 of the Teaching Service Act, has been delegated the power to award leave within some limitations. Staff leave will be considered in line with relevant legislation, DET guidelines and policy and the Victorian Government Schools Agreement 2017.

### Definitions

**College Leave Committee:** The College Leave Committee is comprised of the Principal, Assistant Principal (Human Resources) and Daily Organiser.

## **Types of leave**

Leave may be distinguished as either a *leave entitlement* or *discretionary leave*. Leave entitlements include personal leave (commonly referred to as sick leave), family leave, paternity leave and long service leave. Some forms of leave are an entitlement but their timing is at the discretion of the Employer. Discretionary leave may be awarded at the discretion of the Principal and includes applications for leave without pay (LWOP). LWOP can be granted under either Section 35 or 36 of the Teaching Service Act 1981.

### **Personal leave:**

Personal leave is available to an employee when he or she is absent due to illness or 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.

Employees are credited with 114 hours personal leave on full pay on commencement of employment. Personal leave accrues at the rate of 114 hours on full pay for each completed year of service. 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.

<http://www.education.vic.gov.au/hrweb/employcond/pages/slvets.aspx>

### **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.

Whilst long service leave is an entitlement, the *timing of the leave is discretionary*. See below under *Implementation* for details regarding the granting of long service leave.

<http://www.education.vic.gov.au/hrweb/employcond/pages/lslsch.aspx>

### **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.

*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.

The principal may grant paid leave in other cases where, in their opinion, special circumstances exist. Special circumstances include the death of a:

- Person with whom the employee had a close relationship
- Step or foster parent or child
- Relative who has taken the place of a parent
- Relative residing with the employee at the time of the death

- Person where employee is the only relative of the deceased person and is the only person available to make the funeral arrangements.

Leave, with or without pay, in excess of that specified above may be granted if the principal is satisfied that three days is inadequate because of special circumstances (for example, funeral delay or extensive travelling involved). In considering applications for bereavement leave, it is important to note that each case should be considered on its merits.

Bereavement leave would not normally be granted beyond the date of the funeral. Any subsequent request for leave on account of grief would need to be granted as personal leave and supported by a required document in accordance with personal leave provisions.

Paid leave is not granted for the execution of any legal business associated with the death of a relative. Leave without pay may be granted for this purpose.

For applications on account of bereavement, a death/funeral notice should be provided with advice establishing the employee's relationship to the deceased

<http://www.education.vic.gov.au/hrweb/employcond/pages/bereavets.aspx>

#### **Parental Absence:**

Parental absence enables an employee who is a parent to be absent from duty for a total of seven years following or in conjunction with the birth, adoption or otherwise becoming the legal parent of one or more children. Parental absence comprises one or more of the following forms of leave:

- Maternity leave
- Partner leave
- Other paid parental leave
- Long service leave
- Annual leave and additional paid leave (education support class employees)
- Family leave without pay

Staff seeking parental leave should liaise with the Assistant Principal and HR Administrator to ensure that there is adherence to the DET policy and guidelines for Parental Leave. Details of which can be found here:

<http://www.education.vic.gov.au/hrweb/employcond/Pages/parentlveTS.aspx>

#### **Leave Without Pay:**

Granting leave without pay (LWOP) may be considered by the principal but it is noted that the timing of the leave is discretionary, as is the leave. LWOP is not an entitlement. An application for leave without pay needs to be lodged with sufficient notice, no later than two terms before the intended commencement of leave.

In considering applications for leave without pay, the principal will have regard to the operational requirements of the school, taking into account the availability of appropriate replacement staff, disruption to the school program and the number of staff who wish to take leave at the same time. In the event that leave without pay is unable to be granted after consideration of the above, the employee will be required to meet the obligations of their employment as per their contractual obligations, the work conditions agreed upon by the school underpinned by the Victorian Government Schools Agreement and relevant DET policy.

<http://www.education.vic.gov.au/hrweb/employcond/Pages/lwopTS.aspx>

**Family Violence Leave:**

Leave is available upon application to victims of family violence. This leave is generally available to cover absence associated with medical and legal appointments. Further information can be found here:

<http://www.education.vic.gov.au/hrweb/employcond/Pages/FamViolence.aspx>

**Jury Service Leave:**

Leave with pay shall be granted to an employee required under the Juries Act 2000 to appear and serve as a juror in any court for the period that their attendance is required. Any fees received for jury service may be retained by the employee.

Proof of attendance must be submitted following the completion of service.

<http://www.education.vic.gov.au/hrweb/employcond/Pages/jury.aspx>

**Spouse Leave:**

An employee may apply for leave without pay to accompany their spouse or domestic partner where that employee's spouse or domestic partner is:

- Required to shift residence interstate or overseas as a consequence of pursuing their occupation;
- Travelling interstate or overseas;
- Transferred within Victoria where no employment in the teaching service can be offered to the employee at the new location; or
- Also an employee and is granted long service leave, provided that spouse leave may be granted for the period of long service leave granted.

An employee may elect to use any long service leave entitlement in conjunction with a period of leave without pay to accompany their spouse or domestic partner.

An application for spouse leave must be made in sufficient time to enable the application to be considered prior to the commencement of the period of leave. An employee's application for spouse leave must be accompanied by satisfactory evidence supporting their application for leave, such as a letter from the spouse's or domestic partner's employer indicating that the spouse or domestic partner is required to shift as a result of employment.

Leave without pay granted to accompany a spouse or domestic partner does not count as service for any purpose but does not break the continuity of an employee's service. In general the leave without pay policy applies to spouse leave.

<http://www.education.vic.gov.au/hrweb/employcond/Pages/spouseleave.aspx>

**Other Leave:**

In addition to these types of leave, Glen Waverley Secondary College seeks to provide its teachers with opportunities to access leave for professional learning opportunities consistent with the College Vision and Values, Strategic Plan and Annual Implementation Plan.

## Principles

The College Principal and College Leave Committee will provide due consideration to all applications for leave. Any decision to award leave will be made in reference to the following underlying principles:

- Where the College cannot meet all of the demands for leave applications, priority will be given to those teachers that have a leave entitlement, such as long service leave, as distinct from a discretionary leave application such as LWOP. In principle, decisions to approve leave will be based on the following priority order
  - Family Leave applications
  - Long Service Leave requests
  - Those people seeking a combination of long service leave entitlements and a period of leave without pay
  - Any further leave applications
- The College will give priority to any application for LWOP that exists for a calendar year beginning in January
- An applicant's service record in relation to previous types and periods of leave granted will be used to determine an equitable and fair basis on whether further leave can be granted
- Leave may be granted at the discretion of the Principal and he/she may take into account particular compassionate reasons for seeking leave
- The need to meet the operational requirements of the school
- The need to minimise the number of fixed short term contracts as a consequence of leave applications

## Practices

### Procedures

- It is the responsibility of the employee to notify the school that he/she is unable to attend school, sick, bereavement, carer's leave, etc by contacting the Daily Organiser
- Regarding the expectations of the school regarding the leaving of work for classes while on leave, please view the *Work left for classes while on leave policy*
- The employee needs to liaise with the college's Return to Work coordinator (Assistant Principal HR) regarding the appropriate documentation on return to the school after injury or long-term illness

### Applications for Long service leave and leave without pay

In considering all applications and entitlements for leave, the College will adhere to the following practices:

- Staff should give the Principal maximum notice in relation to leave applications for leave entitlements such as sick leave, jury service, family, paternity and adoption leave etc.
- All applications for leave must be supported by the appropriate documentary evidence
- All applications must be submitted via the 'leave book' which will be held by the Assistant Principal HR
- Applications for Long Service Leave and Leave without Pay for the ensuing year will be invited early in Term 3 of each year. Where possible, applicants will be notified in writing of the outcome of their application by the end of Term Three
- Applications for leave at other times will be considered on compassionate grounds, especially short term leave
- The College Leave Committee comprising of the Principal, Assistant Principal (Human Resources) and Daily Organiser, will consider all leave applications consistent with this policy and appropriate legislative frameworks. In deciding whether to grant leave the Leave Committee will consider the following
  - The availability of replacement teachers

- The impact of leave on the College's educational program and Student Resource Package with priority for Long Service Leave given to applications for leave of one term or more
  - The extent of the applicant's entitlement
  - Previous leave taken
  - The percentage of College staff on leave at any one particular time and/or the number of teachers in that subject area with approved leave for that time
  - The priority order as listed above
- Any applications for long service leave to be taken prior to, or during report writing time, will be considered in the context of the ability of the College to meet assessment and reporting requirements for the applicant's students, the needs of the students and the ability of the College to find an appropriate replacement teacher at this time of the year.
  - To resume duty early from any form of leave, a staff member must seek approval first from the Principal. Approval of early resumption is dependent upon suitable staffing arrangements being made to accommodate the return to duty and cannot be guaranteed.
  - Prior booking of accommodation, travel arrangements etc (before approval of leave) will not be a consideration in granting or not granting leave.
  - Any staff member who feels aggrieved by a decision of the Leave Committee is invited to discuss the matter with the Principal. If unresolved, the applicant may appeal to the Merit Protection Board.

### **Key Roles and Responsibilities**

#### Principal:

- to consider leave applications and make the final decision on each application based on the principles outlined above

#### Assistant Principal (Human Resources):

- to communicate with the Principal and the Leave Committee in relation to leave applications
- to communicate the outcome of an application with employees who apply for leave

#### Daily Organiser:

- to keep a record of approved leave applications and organise for classes to be covered

#### HR Administrator:

- to prepare a letter to successful leave applicants and keep copies of approved leave
- to process leave applications and modify pay as applicable

#### Review

- This policy was ratified in November 2018
- This policy will be reviewed every three years
- Next review November 2021