Leave - Other Leave Policy

Section 1 - Purpose

(1) The purpose of this Policy is to detail the principles related to entitlements for:

a. public holidays and University concessional days;
b. religious, cultural and ceremonial obligations;
c. community leave, including:
    i. defence force leave;
    ii. jury service;
    iii. leave to attend proceedings as a witness; and
    iv. volunteer emergency services leave.

(2) The University provides a range of leave options to staff including, annual, personal, educational, parental and long service leave. This Policy outlines the circumstances that may provide staff with the opportunity to request leave not covered by these leave options.

Scope

(3) This Policy applies to all staff employed at Macquarie University.

(4) It will be of particular relevance to all continuing and fixed-term professional staff members employed under the relevant industrial instrument.

(5) Casual staff members are not entitled to paid leave.

Section 2 - Policy

Eligibility and Entitlement

(6) The eligibility and entitlement to leave is prescribed by the relevant industrial instrument and this Policy.

(7) The leave entitlements outlined in this Policy are not cumulative from year to year.

Public Holidays and University Concessional Days

(8) Staff members who are not required for duty, will be allowed to take the declared public holidays in New South Wales (or the day proclaimed as the corresponding public holiday), excluding local declared public holidays, without loss of ordinary pay.

(9) These days are:

a. Christmas Day;
b. Boxing Day;

c. New Year's Day;
d. Australia Day;
e. Anzac Day;
f. Queen's Birthday;
g. Good Friday;
h. Easter Saturday;
i. Easter Monday;
j. Labour Day; and
k. all other proclaimed public holidays for New South Wales.

(10) Staff members who are required to work on a public holiday will be paid at the penalty rate or be able to take an alternative day off.

(11) Staff members will also be entitled to three (3) paid University concessional days between 26 December and 1 January each year.

(12) Staff members who are required to work on a University concessional day will be paid at the ordinary rate of pay and be able to take an alternative day off.

Religious, Cultural and Ceremonial Obligations

(13) The University values the culturally diverse nature of its community and is aware of the differing needs of staff members in regard to their religious, cultural and ceremonial beliefs and obligations.

(14) Supervisors will assist staff members by approving an applicable form of leave (annual leave, flexible work arrangements, leave without pay or other applicable leave) under the relevant industrial instrument or policy, for the observance of holy days or attendance at essential religious, cultural or ceremonial duties associated with the staff member's faith or culture.

(15) Staff members will provide appropriate documentation to their supervisor. Leave may be granted, at the discretion of the supervisor.

(16) Indigenous staff members will be entitled to up to five (5) days paid leave and ten (10) days leave without pay per annum, to fulfil ceremonial obligations. Such obligations may be traditional or urban in nature and may include:

a. initiation ceremonies;
b. birthing and naming;
c. tombstone openings and funerals;
d. smoking of houses or cleansing sacred site or land ceremonies;
e. National Aboriginal and Islander Day Observance Committee (NAIDOC) Week celebrations; or
f. other ceremonies deemed by the elders to be significant.

(17) Indigenous staff members will also be entitled to one (1) day's paid leave per annum to participate in National Day celebrations.

Community Leave

(18) Community leave may be granted to staff members (excluding casuals) in accordance with this Policy to enable them to perform a service to the community.

(19) Community leave includes:

a. defence reserve leave;
b. jury service;
c. leave to attend proceedings as a witness; and
d. volunteer emergency services leave.

(20) This leave applies only to activities that are:

a. not regarded as duty; and
b. not covered by other forms of available leave.

(21) The length of leave granted will vary depending upon the circumstances, in accordance with the conditions and eligibility outlined below. In each circumstance, the leave is to be limited to the minimum time necessary.

Defence Reserve Leave

(22) Staff members serving on a part-time basis in the Australian Reserve Forces in accordance with the provisions of the Defence Reserve Service (Protection) Act 2001, will be entitled to be granted military leave in each Military Leave Year (i.e. 1 July to 30 June) on the following basis:

a. up to sixteen (16) Calendar Days paid leave for annual training; and
b. up to sixteen (16) Calendar Days paid leave for attendance at a school, class, or course of instruction.

(23) The granting of military leave will be subject to the production of documentary evidence from the applicable Reserve Forces.

(24) An additional period of up to four (4) Calendar Days paid leave may be granted on receipt of a written request from the Commanding Officer of the Reserve Unit.

(25) In circumstances where the University declines an application for leave, the supervisor will negotiate with the staff member to attend alternative training, school, class or course of instruction.

Jury Service

(26) A staff member who is summoned as a prospective juror must notify their supervisor as soon as possible of the date/s when they are required to attend for jury service.

(27) The staff member will be required to provide:

a. proof of attendance;
b. the duration of such attendance; and
c. the amount received in respect of such jury service (other than meals and / or travel allowances).

(28) Leave will be paid upon the University receiving proof of attendance and reimbursement of monies received.

(29) A staff member summoned for jury service during ordinary working hours will receive payment equal to the ordinary rate of pay that they would have received if they had worked during the period of jury service.

Leave to Attend Proceedings as a Witness

(30) A staff member who is required to attend proceedings as a witness will be regarded as being on duty during their period of absence if:

a. required as a Crown Witness. Fees received, other than out of pocket expenses, will be paid to the University; or

b. required as a witness on behalf of the University or as a witness in proceedings relating to a University Award of Agreement. No fees will be paid.

(31) Staff members called as a Crown Witness will be required to provide:

a. proof of attendance; and
b. the duration of such attendance.

(32) Other than in the above circumstances, staff members who are subpoenaed, summoned, called or required as a witness, will be required to take annual leave or make alternative working arrangements in accordance with University policy.

Volunteer Emergency Services Leave

(33) The University will grant paid leave to a staff member to assist in emergency services and disasters, or related training, provided that the staff member is not required by the University for essential operations or emergency services.

(34) Examples of volunteer emergency services include:

a. the State Emergency Service;
b. St John Ambulance; and
c. the Rural Fire Service.

(35) Leave to assist in emergencies and disasters will be granted by the Executive Dean / Head of Office, provided that a staff member:

a. advises the University as soon as possible after “call-in”;
b. provides an estimate of the duration of the absence;
c. is not required by the University for essential operations or emergency University services; and
d. provides written certification from the voluntary organisation that they were required for the specified period.

Continuity of Service

(36) All paid leave will count as service for the purpose of leave accrual, length of service and incremental progression.

Unapproved Leave

(37) All absences (except for emergencies and disasters) must have prior approval.

(38) The supervisor or other authorised delegate will notify Human Resources (HR) of such absences immediately and may instruct HR to notify the staff member that payments may be suspended pending resolution of the matter.

(39) If leave is unapproved, the University may regard such absences as abandonment of employment or misconduct and may proceed in accordance with the applicable provisions of the relevant industrial instrument.

Compliance and Breaches

(40) The University may commence applicable disciplinary procedures if a person to whom this Policy applies breaches this Policy (or any of its related procedures).

Section 3 - Procedures

(41) Refer to Leave - Other Leave Procedure.

Section 4 - Guidelines

(42) Nil.

Section 5 - Definitions

(43) Commonly defined terms are located in the University Glossary. The following definitions apply for the purpose of this Policy:

a. Calendar Day means all days in a month, including weekends and public holidays.

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Responsible Executive	Eric Knight Deputy Vice-Chancellor (People and Operations)
Responsible Officer	David Ward Chief People Officer
Enquiries Contact	Nick Crowley Head, Employee Relations +61 2 9850 9768 Human Resources