Leave - Personal Leave Policy

Section 1 - Purpose

(1) The purpose of this Policy is to detail the principles related to all types of personal leave, including Special Leave and leave without pay.

(2) This Policy provides information for all staff members to establish their eligibility and entitlement to personal leave.

Scope

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

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

(5) Casual staff members are not entitled to Paid Personal Leave.

Section 2 - Policy

Eligibility

(6) The eligibility for personal leave is prescribed by the relevant Enterprise Agreements and this Policy.

(7) To be eligible for personal leave, a staff member is required to satisfy the requirements of reasonable notice and supporting documentation as prescribed in this Policy.

Entitlement

(8) Full-time staff members:

a. Full-time staff members will be credited with an entitlement of 350 hours (ten (10) weeks - seven (7) weeks for sick leave and three (3) weeks for other personal leave) on date of commencement.

(9) Part-time staff members:

a. Part-time staff members will be credited with, and accrue Paid Personal Leave on a proportionate basis.

(10) Casual staff members:

a. Casual staff members will not be entitled to Paid Personal Leave.

(11) Staff members will accrue an additional 105 hours (three (3) weeks – two (2) weeks for sick leave and one (1) week for other personal leave) of Paid Personal Leave per annum (proportionate for part-time staff members) from the date on which the staff member received the initial credit of personal leave.

(12) Personal leave accrues up to a maximum of 1820 hours (52 weeks).

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Conditions

(13) A staff member is required to advise their supervisor or another senior member of the work area as soon as practicable of the following:

a. that they are unable to work; and
b. the period of leave or expected period of leave.

(14) A staff member is not entitled to the leave if they fail to provide notice (as soon as practicable).

(15) Where a staff member exhausts their entitlement to either sick leave or other personal leave, they will be able to access whatever accrual they have available for the other form of personal leave.

(16) Personal leave may be taken for periods of one (1) hour or greater.

Sick Leave

(17) Staff members are entitled to take paid sick leave when they are unable to attend work due to personal (as opposed to work-related) illness, injury or incapacity, sufficient to permit them to recover.

(18) Paid sick leave is not available if a staff member is receiving workers' compensation payments in respect of their absence.

(19) Where a staff member becomes ill, injured or incapacitated whilst on a period of annual leave, the staff member will be entitled to payment of personal leave in accordance with the University's Leave - Annual Leave Policy.

Other Personal Leave

Family / Carer Responsibilities

(20) Personal leave is available where a staff member is unable to attend work because of family / carer responsibilities. Such responsibilities may include:

a. caring for a Family Member who is ill or incapacitated;
b. the temporary and unexpected absence of the usual carer, such as the unexpected closure of a child's school; or
c. an unexpected emergency.

(21) The approval of personal leave is subject to a staff member being responsible for the care of the Family Member concerned.

(22) Staff members cannot take personal leave where another person is responsible for the care of the same Family Member, unless a staff member can demonstrate a genuine need.

(23) Staff members may access alternative employment arrangements provided for in the relevant industrial instrument or policy, to assist with the management of longer term family responsibilities.

Compassionate or Bereavement Leave

(24) Where a Family Member has a serious illness, injury or dies, a staff member may access personal leave for the purpose of:

a. attending to the person;
b. making arrangements for and / or attending the funeral; and / or

c. attending to personal or other arrangements after the funeral; and
d. a staff member may access a maximum of five (5) days personal leave per occasion.

Moving to a New Residence:

(25) Staff members may access personal leave to remove their household property and move to a new residence that is not related to their place of work.

(26) In ordinary circumstances, personal leave will be limited to one (1) day unless a staff member can demonstrate a genuine need for leave in excess of the one (1) day entitlement.

(27) Staff members are expected to provide reasonable notice to their supervisor.

Community Volunteering

(28) The University will support a continuing staff member's participation in volunteer activities with authorised organisations and groups in the community by:

a. providing up to two (2) days of Paid Personal Leave each calendar year; and
b. working in collaboration with authorised organisations and groups in the community to ensure that volunteering projects are meaningful and productive for both parties.

(29) Leave taken under this category will be deducted from the staff member's personal leave balance.

(30) To assist with organisational demands, staff members are required to discuss with their supervisor their intentions for accessing volunteer leave. The community volunteering activity must fall on a work day.

Public Holidays

(31) Public holidays will be paid where they fall within a period of approved personal leave.

Supporting Documentation

(32) A supervisor is entitled to request supporting documentation that would substantiate the reason for the absence.

(33) A staff member is required to provide supporting documentation for absences as follows:

a. Medical Certificate – A staff member applying for personal leave in excess of four (4) working days will be required to provide a medical certificate or other supporting documentation to justify the absence. Where the medical certificate states that the staff member is unfit to perform their duties, the University will consider and where reasonably appropriate act on the medical advice relating to the staff member's illness, injury or incapacity for the prescribed period.
b. Early Return to Work – Where a staff member is able to return to duties before the date specified by the medical advice, the staff member may be required to provide medical evidence that they are fit to return to duties. In the absence of such advice, the staff member will be granted personal leave for the full period.
c. Community Volunteering – A supervisor may request supporting documentation from a staff member.

(34) A staff member is not entitled to personal leave if they fail to provide supporting documentation (when requested) that would satisfy a reasonable person. In this instance, the absence will be classified as leave without pay unless the staff member applies for, and is granted, an alternative form of leave.

(35) The University reserves the right to require supporting documentation additional to that which is defined within this Policy.

Medical Appointments

(36) Personal leave is not to be used for routine or scheduled medical appointments for a staff member or a Family Member. The only exception is where the medical appointment is directly related to a staff member's absence due to illness, injury or incapacity.

(37) A staff member is required to either apply for annual leave or access their variable hours (where the staff member has a debit balance) or agree with their supervisor to make up the time for these absences.

Special Leave

(38) The granting of Special Leave is at the absolute discretion of the University and is only available after all other paid leave is exhausted. Any exception will require the approval of the Executive Dean / Head of Office.

(39) Special leave will be granted for a maximum period of four (4) weeks at any one time and requires the approval of the Director, Human Resources.

(40) Supervisors are required to assist staff members by:

a. considering and, where appropriate, approving alternative leave entitlements; and
b. utilising flexible work arrangements in combination with personal leave entitlements.

Payment

(41) The personal leave and Special Leave payment will be equal to the ordinary rate of pay that a staff member would have received if they had worked during the period of leave.

Leave Without Pay

(42) In all cases, applications for leave without pay will be considered by taking into account the:

a. staff member's circumstances; and
b. University's operational requirements.

(43) Leave without pay is not an entitlement and will be subject to the convenience of the University.

(44) It is expected that a staff member will have exhausted all available paid leave entitlements, before applying for leave without pay.

(45) Public holidays will not be paid where they fall within a period of approved leave without pay.

Continuity of Service

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

(47) When a period (or periods) of leave without pay exceeds in aggregate fifteen (15) working days for full-time staff members (pro-rata for part-time staff members), the increment date will be delayed by a period equivalent to the whole period of leave without pay.

(48) When a period (or periods) of leave without pay exceeds in aggregate fifteen (15) working days for full-time staff members (pro-rata for part-time staff members) in any calendar year, the period of absence from duty will not be counted as service for the accrual of annual leave in that period. Entitlements to annual leave loading will be adjusted in the same way.

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(49) When a period (or periods) of leave without pay exceeds an aggregate of six (6) months, the excess over six (6) months will not be counted as service in determining the total service for long service leave purposes.

Excessive Absenteeism

(50) The University will manage personal leave in a fair manner that takes into account the circumstances of a staff member's absences.

Reasonable Accommodation

(51) The University may consider reasonable accommodation for a staff member's incapacity due to personal circumstances. This will be done in consultation with the staff member, their supervisor and the treating medical practitioner(s).

(52) Arrangements for reasonable accommodation are intended to facilitate a safe and durable return to full duties and will be offered on a temporary basis only.

(53) Reasonable accommodation may include flexible hours of work, varied hours of work, alternative duties or physical limitations / restrictions, subject to the convenience of the University.

Compliance and Breaches

(54) 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

(55) See the Leave - Personal Leave Procedure.

Section 4 - Guidelines

(56) Nil.

Section 5 - Definitions

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

a. Family Member includes:
    i. child (including an adult child, adopted child, foster child or stepchild);
    ii. spouse or partner (including same sex partner, de facto partner or former spouse or partner);
    iii. parent, parent-in-law, foster parent or parent who stands in that place;
    iv. grandparent or grandchild;
    v. sibling;
    vi. traditional kinship relation; and
    vii. a person who stands in a bona fide domestic or household relationship with the staff member in which there is inferred some dependency or support role for the staff member.
    viii. In addition to the above, for the purpose of bereavement leave, Family Member shall include:
        - aunt;

- uncle; and
- siblings-in-law.

b. Paid Personal Leave includes:
    i. sick leave - illness, injury or incapacity of the staff member (not arising out of employment); and
    ii. other personal leave - care of a Family Member (illness or injury or arising out of unexpected circumstances), compassionate grounds / bereavement, moving to a new residence or community volunteering.

c. Special Leave means additional paid leave that may be granted for compassionate or extraordinary circumstances.

Status and Details

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Responsible Executive	Eric Knight Deputy Vice-Chancellor (People and Operations)
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