



Rationale:

To provide staff with information and protocol regarding all forms of leave, thus assisting the general operations of our school.

Aim:

This document has been prepared to inform staff of entitlements, procedures for application and policy for granting leave. The information is not exhaustive, but a summary of entitlements.

Further information can be obtained from the HR Website www.det.vic.gov.au/hrweb/employcond/leave/default.htm

Implementation:

The Principal is delegated the responsibility of granting the leave and determining in the first instance, when it shall be taken.

General Criteria for granting leave

- Staff entitlement
- Impact on the operation of the School
- Availability of suitable replacement staff
- Prior leave history and frequency of application
- Number of concurrent applications in the learning area
- Relevance of supporting documentation

Application

The closing date for applications vary with the type of leave sought. These details are given in each section relevant to the type of leave. However if staff are seeking leave for compassionate reasons the Principal has the discretion to consider each case on merit. Staff are encouraged to discuss individual circumstances with the Principal.

Types Of Leave

1. Recreation and Annual Leave
2. Sick Leave/Carer's Leave - teachers
3. Parental Leave
 - Maternity
 - Paternity
 - Adoption
 - Family
4. Long Service Leave
5. Leave Without Pay
6. Sabbatical Leave
7. Bereavement Leave
8. Leave for Other Purposes
9. Appeals



1. RECREATION AND ANNUAL LEAVE

1.1 Teachers and Principals

Staff are entitled to twenty days recreational leave to be taken during the school vacation period. Other leave, including leave without pay can affect the entitlement to payment during a school vacation. Following resumption of duty from leave prior to vacation a teacher is entitled to vacation pay where they are on duty from the beginning of the next term, or they have been on duty for at least four weeks during the term preceding the vacation.

1.2 School Service Officers

Officers employed 52/52 are entitled to 20 days recreation leave. This may be taken at any time with the approval of the Principal, however the usual practice is to take leave during school vacations.

Officers employed 48/52 are entitled to 40 days paid leave. School holidays in excess of this entitlement are subject to recall of six working days per year. Please seek advice from the Human Resource Manager if you are employed under the 49/52, 50/52 or 51/52.

Officers who become ill during recreation leave may apply to restore leave covered by medical certificate.

2. SICK LEAVE

Sick leave credits are allocated annually from your original service commencement date and unused leave accumulates.

2.1 Teachers and Principals

On commencement of service to an ongoing position teachers are entitled to 15 days sick leave on full pay and 15 days on full pay for each year of service thereafter

A Teacher employed on a fixed term basis may accumulate up to 15 days sick leave per year.

2.2 School Services Officers

On commencement of employment an employee shall be entitled to cumulative sick leave credits of 114 hours (15 days) per annum and 114 hours (15 days) cumulative sick leave at the commencement of each subsequent year of employment

2.3 Carer's Leave

A staff member who is required to provide care and support for a member(s) of their immediate family or household shall be granted carer's leave. The maximum amount of leave which may be granted in a year (with or without pay) is five days. Unused leave does not accumulate. Carer's leave is deducted from the teachers accrued sick leave credits.

If the staff member has exhausted their personal sick leave credits, the teacher shall be granted carer's leave with pay for up to three days, but not exceeding the five days granted.

"Immediate family" includes:

- Spouse or domestic partner
- Child, adult child, or stepchild, parent, grandparent or sibling of the teacher or spouse of the teacher



STAFF LEAVE POLICY (continued)

2.4 *Supporting documentation*

Application for personal sick leave or carer's leave must be supported by - medical certificate, certificate in lieu (issued by a dentist, physiotherapist, chiropractor, osteopath, optometrist psychologist) or statutory declaration is required when:

- more than a total of five days leave is taken per calendar year;
- more than three consecutive days leave are taken;
- absence is immediately before or after a public holiday, long service leave or school vacation (unless otherwise approved);
- absence occurs on a stop work day;
- the principal requires its provision for any absence.

NOTE: Certificates in lieu are not accepted for more than an aggregate of five days in any year.

Where an application for sick leave requires a medical certificate, certificate in lieu or a statutory declaration and one is not provided leave without pay will be granted.

Where a medical certificate or statutory declaration is required for carer's leave it must state the person requiring care is suffering from an illness which required care by another. A staff member may only submit an application if they are responsible for the care of the person concerned. Two staff members cannot take carer's leave for the same person at the same time.

Examination by an approved medical practitioner is required where:

- staff member has been continuously absent on sick leave for thirteen weeks prior to extension of that leave;
- staff member has been continuously absent on sick leave for thirteen weeks to obtain a certificate they are fit to resume duty before returning to work;
- staff member absent on sick leave, less than thirteen weeks, where the principal is of the opinion the staff member is not fit to resume duty;
- staff member's health makes them a danger to other members of the school community.

Upon receipt of a medical report the principal may direct the staff member to be absent from duty for a specified period as sick leave.

2.5 *Effect of other Leave on Entitlements*

Public Holidays - Public holidays observed during an absence of personal sick leave or carer's leave are not regarded as part of the leave.

Long Service Leave - a staff member who is ill, injured or provides care while on leave may be granted sick or carer's leave on provision of a medical certificate. They may receive a credit to their long service or an extension with the approval of the Principal.



2.6 Limitations

Staff may apply for sick leave in one tenth of a day fractions (45 minutes). If a CRT is required then sick leave will be for a minimum of three hours.

Sick leave is not granted for:

- Illness caused by the conduct of the staff member where, in the opinion of the principal the illness is attributable to the person's negligence
- Being pregnant, but is granted for illness resulting from pregnancy or child birth.
- The illness of any other person.
- Carer's leave is not granted during leave without pay.

2.7 Other issues related to sick leave

There are further regulations relating to sick leave and WORKCOVER, WAR SERVICE, INFECTIOUS DISEASES AND TRANSPORT ACCIDENTS.

Further advice regarding these issues should be sought from the Principal Team or the Business Manager.

NOTE: Staff on sick leave are asked to provide the leave application form with accompanying documentation within one week of your return to work. Where a staff member resumes duty earlier than on the certificate the Principal, may require a certificate stating the member is fit for duty.

2.8 School Procedures

All staff are to notify the Daily Organiser if they are going to apply for sick leave, preferably a day in advance, or prior to 7.00 a.m. on the day. On return to duty please sign the sick leave forms in the staff rooms or on the intranet and attach a medical certificate if available. In the first instance seek advice from the Business Manager regarding sick leave arrangements and entitlements.

Teaching staff applying for carer's leave should also notify the daily organiser and provide the appropriate medical certificate in the same way.

3. PARENTAL LEAVE

3.1 Pre Natal Leave

Teachers

An employee who is pregnant may now access paid leave to a maximum of five days, deducted from her sick leave credits to attend routine medical appointments associated with that pregnancy. Access to pre natal leave requires the provision of a medical certificate certifying she is pregnant and a medical certificate for each appointment.

A school services officer who is pregnant may access paid leave to a maximum of 35 hours to attend routine medical appointments associated with the pregnancy, provided that she:

- Provides a medical certificate certifying she is pregnant
- Provides a medical certificate for each appointment; and
- Schedules appointments at times that minimise disruption to the school and/or the requirement to engage replacement staff for the period of the absence.



3.2 Entitlement

Any staff member after a qualifying period has an entitlement to a form of paid leave in conjunction with the birth or adoption of a child. There is also an entitlement to unpaid leave.

3.2.1 School Services Officers

After completion of the paid leave an officer has an entitlement to unpaid leave up to twelve months. Additional leave without pay may be granted on an annual basis.

3.2.2 Teachers and Principals

There is an entitlement to seven years leave in conjunction with paid maternity paternity or adoption leave.

3.3 Maternity Leave

Employees are eligible for paid maternity or adoption leave are now entitled to two weeks paid maternity or adoption leave in addition to the existing twelve weeks maternity leave or six weeks adoption leave in respect of the birth or adoption of a child that occurs on or after the date the agreement is certified. It should be noted that the entitlement to the additional two additional two weeks is not linked to the commencement of the paid leave but rather to the date of birth or adoption of a child. This means an employee who is absent on maternity leave prior to the certification of the agreement may still be eligible for the additional two weeks if the birth or adoption occurs on or after the certification date.

3.3.1 Required period of absence

A staff member who is pregnant must absent herself from duty from, the period six weeks prior to the expected date until six weeks after the actual date of confinement. Note: the total paid leave component shall not exceed fourteen weeks.

A staff member who wishes to attend for duty for part of the required absence may do so if the principal is satisfied that:

- the attendance will not adversely affect the operations of the school;
- the staff member is fit for duty as demonstrated by a medical certificate.

There is leave provision for early termination of the pregnancy.

3.3.2 Paid Maternity Leave

A staff member who has been on duty twenty six weeks or more within the previous fifty two weeks is eligible for the fourteen weeks maternity pay. This is paid on a pro rata basis for part time staff.

There are arrangements for maternity leave to be taken in conjunction with other forms of leave.

3.3.3 Application

Application for leave must be made in writing to the Principal and include a medical certificate stating the expected date of confinement. To resume immediately following paid maternity leave a medical certificate must be provided stating fitness to resume.

Applicants are requested to apply for leave at least twelve weeks prior to the commencement date of leave stating the proposed return date if only paid leave is sought with written notice of intention to resume.

3.4 *Paternity Leave*

School Services Officers

An employee whose spouse or defacto spouse is pregnant may access paid leave to a maximum of 7.6 hours for the period of the pregnancy to enable his or her attendance at routine medical appointments associated with the pregnancy, provided that:

- He or she provides a medical certificate certifying his or her spouse is pregnant;
- He or she provides a medical certificate for each appointment; and
- Appointments are scheduled at times that minimise disruption to the school and/or the requirement to engage replacement staff for the period of the absence.

3.4.1 Entitlement

Any staff member who submits evidence he is the father, or has taken responsibility of a child shall be granted leave on full pay for one week or five days for the care of the child.

Leave shall be taken in the period commencing one week before the expected date of confinement and concluding six weeks after the actual birth of the child.

Teaching Staff are entitled to unpaid leave up to the child's seventh birthday (see family leave).

3.4.2 Application

Application for paid leave should be made to the Daily Organiser and include one of:

- a medical certificate stating the expected date of birth;
- a medical certificate stating the actual date of birth;
- a certified copy of the extract of birth certificate.

Application for extended unpaid leave should be made to the Principal and include statutory declaration including the period of leave sought to become the child's primary carer and details of any maternity leave sought by the staff members partner if they are employed by the Department of Education.

NOTE: Applicants for leave without pay are advised to make arrangements with the relevant superannuation authority in relation to their contribution for the period of the unpaid absence.

3.5 *Adoption Leave*

Staff are entitled to leave for the adoption of a child and paid leave for a period of six weeks. Unpaid leave is available through the family leave provision. Any staff member seeking leave for this reason is referred to the Principal to discuss entitlements and evidence required to support the application at the earliest possible time.

3.6 *Family Leave*

3.6.1 Entitlement

School service officers are entitled to seven years unpaid leave. Teachers and principals are entitled to leave up to the child's seventh birthday. Where both parents are members of the teaching service there is provision for both parents to take part of the leave. Please seek further advice from the Business Manager prior to application.



3.6.2 Return to Duty

A teacher may return to duty after family leave:

- after six weeks following the birth of a child or placement if written notice of intention is given to this effect with the application for leave; or
- on the first day of any term if written notice of intention to return is given by 1st November in the year preceding the intended date of return; or
- at such other times as the Principal approves provided that applications on compassionate or hardship grounds shall not be unreasonably refused.

Family leave may be taken in conjunction with long service leave. Applicants are referred to the personnel regulations.

3.6.3 Application

Application for family leave must be made in writing to the Principal giving as much notice as possible on the intention to take leave, stating the period of leave and the intended resumption date. This does not take the place of the formal notice of resumption and will be used for planning purposes only.

Applicants must include evidence such as:

- medical certificate stating the expected date of birth;
- medical certificate stating the date of birth;
- a certified copy of the birth certificate;
- a statement from an adoption agency of the expected date of placement;
- a statements from appropriate authority of the teacher is to have custody of a child prior to the adoption order.

In addition a statutory declaration is required stating:

- the teacher is seeking the leave to become the primary carer;
- details of any family leave sought or being taken by the partner if they are employed by the Department.

3.6.4 Limitation

Only the period of family leave may be taken per child and shall not extend past the child's seventh birthday. A further period of leave may be granted in the event of subsequent confinement or adoption.

NOTE: Teachers on family leave are advised to seek advice from the Superannuation Board regarding arrangements for contributions for the period of unpaid absence.

3.6.5 School Policy

Every assistance will be given to staff arranging family leave however the timing of written notice of intention to resume will only be changed in exceptional circumstances. These could include the curriculum needs of the school or extenuating compassionate circumstances, supported by documentary evidence from the teacher. The final decision for approval for early resumption rests with the College Principal.



4. LONG SERVICE LEAVE

4.1 Entitlement

- Employees may access their long service leave entitlement on a pro rata basis after 7 years eligible service (2.1 months or approximately 63 days) including pay in lieu of the pro-rata entitlement on termination of employment.
- Employees also have the option to commute a portion of long service leave credit to salary in conjunction with a long service leave absence of six weeks or longer. For example an employee may choose to take eight weeks of long service leave and commute an additional four weeks of entitlement resulting in eight weeks of absence with twelve weeks of pay during this absence. In this case the long service leave entitlement used would be 12 weeks.
- When applying for long service leave the written request should specify whether, in conjunction with the long service leave absence of six weeks or longer, a portion of long service credit is sought to be commuted.
- Part time staff accrue leave on the same basis, but receive pro rata payment during leave;
- A staff member may elect to take leave on half pay and in this case the period of leave would be twice the length of the time taken on full pay;
- Long service leave counts as service for the accrual of other benefits;
- A staff member who submits medical evidence that they became ill during leave is entitled to convert long service leave to sick leave for the period covered by the certificate if sufficient sick leave credits are available;
- Long Service Leave may be taken in conjunction with family leave.

While Long Service Leave is an entitlement the timing of the leave is discretionary. However, it is important that where long-service leave is not granted for the period requested, arrangements are made with the staff member to enable the granting of leave at an agreed time.

4.2 Application

- Applications for long service leave must be in writing, and reach the Principal preferably at least four terms prior to the date of leave requested.
- Teachers taking long service leave will not be allocated year 12 classes unless there are suitable arrangements that can be made with COG.
- Application should be made on the appropriate form, with an accompanying letter.
- Applications must specify:
 - the period of leave sought
 - whether the leave is on half pay or full pay.
- Applications for leave should be for a minimum period of six weeks and one day (**31 working days**). Preference will be given to applications which are for an entire term as this enables the school to secure appropriate replacement teachers.
- Leave will be granted/denied by the Principal in consultation with COG, having regard to the effect on school operations and the availability of replacement staff.
- If multiple requests for leave are received the following process will determine eligibility:
 - the member who has not had long service leave for the longest period
 - the personal needs of each applicant
 - the effect that each replacement will have on the School
 - the availability of suitable replacement staff
 - the order of receipt of applications



- If necessary an interview will be conducted by the Principal with each applicant.
- Applicants will be notified in writing of the decision.
- Special circumstances may arise from time to time which may necessitate the granting of long service leave for shorter periods of time.
- Consideration will need to be given within the framework of the School's Global Budget for emergency leave considerations.

Once leave is approved applicants have maximum of fourteen days to cancel leave. Any further requests for amendment to leave dates will only be considered in special circumstances. No application for amendment to leave dates will be accepted less than 31 days before the commencement of the approved leave.

5. LEAVE WITHOUT PAY (LWOP)

5.1 *General Provision*

Leave without pay may be granted by the College Principal for up to 12 months. Leave may be approved for longer periods. A staff member wishing to extend leave must make a new application.

Staff may be given approval to resume duty before the end of the approval period of Leave Without Pay provided it can be accommodated within the school global budget.

5.2 *Granting Leave Without Pay*

Generally leave will be granted on the following basis:

- where a teacher is absent for the school year the leave extends from the first school day of one year to the day immediately preceding the first school day of the following year.

5.3 *Application and School Policy*

Applications to be made on the school form prior to the last day of Term 3 of the year before leave is sought. Granting of leave is subject to staffing considerations, length of service and grounds for application. In general applications for long service will be given priority over leave without pay requests. If leave is sought for personal circumstances applicants are advised to submit supporting evidence with the application.

Applications for the whole of the school year will be given priority over requests for shorter periods.

An extension of leave may be sought. Applications should be made to the Principal by the last day of Term 3. Extensions will only be granted for a maximum of three years leave and duty may only be resumed at the commencement of a school year.

NOTE: When accepting leave without pay it is essential staff clarify arrangements for superannuation with the Board regarding payments for the period of leave.

6. SABBATICAL LEAVE

Sabbatical leave is a professional incentive scheme to provide teachers with a flexible arrangement to fund a period of leave.

A staff member may be granted sabbatical leave on 80 per cent of salary subject to the staff member agreeing to have their annual salary reduced by 20 per cent for the relevant work period.



7. BEREAVEMENT LEAVE

7.1 Entitlement

Leave on full pay of up to three days may be granted to any teacher on account of the death of a member of the teacher's immediate family (as defined for carer's leave).

The Principal may grant paid leave in other cases where, in their opinions, special circumstances exist. These include the death of:

- a person with whom the teacher had a close relationship
- a step or foster parent or child
- a relative who has taken the place of a parent
- a relative residing with the teacher at the time of the death
- a person where the teacher is the only relative or is the only person available to make funeral arrangements

Leave, with or without pay, in excess of the specified time may be granted in special circumstances. Any further leave on account of grief would need to be granted as sick leave and supported by medical certificate.

Bereavement Leave would not normally be granted beyond the date of the funeral.

In considering an application for bereavement leave; it is important to note each case will be considered on merit.

7.2 School Procedures

Staff are asked to notify the Daily Organiser, as soon as practicable to apply for leave.

A copy of death certificate or funeral notice will be required on completion of the application form.

8. LEAVE FOR OTHER PURPOSES

There are other types of leave available to staff and this summary is not exhaustive and advice should be sought if leave is required for a particular circumstance. The following is a brief summary of some other leave available.

Study Leave Study leave is granted within the context of the school budget. Therefore full time paid study leave will be difficult to obtain. Teachers interested in part time leave should discuss the application with their Principal. Part time or full time leave without pay for study will be considered favourably.

Family care Purposes Unpaid leave to support the care of a family member who is ill.

Jury Service Leave with pay shall be granted to a staff member required to attend. Proof of attendance must be submitted.

Court Attendance leave with pay will be granted to attend as a crown witness or under Subpoena or summons.
Supporting documentation will be required.



STAFF LEAVE POLICY (continued)

Spouse leave leave without pay to accompany a spouse travelling overseas or Interstate. Applications to be submitted in advance with supporting documentation.

Marriage leave up to four weeks unpaid leave for the purpose of marriage.

Temporary release to non-school base locations typically this is a release to a non-school base position with DE&T.

Other Leave

- Transport strikes and natural disasters
- Councillors, Mayors and Shire presidents
- Attendance at sporting competitions
- Emergency services
- Defence Force Training leave
- Religious observances
- Donation of Blood
- Contesting State Elections
- War Service leave

9. APPEALS

Any applicant for whom leave is refused, has right of appeal to the Principal. Appeals should be made in writing within 2 weeks of the leave being refused and specify any circumstances the applicant believes warrants special consideration.

The Principal will seek advice on an appeal from a specially convened panel of a trained Merit Protection Board Teacher or SSO, and a teacher or support staff representative.

Any grievance may be taken by the staff member to the Merit Protection Board for consideration.

Applicants are reminded of the general criteria for granting leave.

Evaluation:

This policy will be reviewed as part of the school's three year review cycle.

This policy was last ratified by College Council in **February 2008**