

TARNEIT RISE PRIMARY SCHOOL STAFF LEAVE POLICY



Help for non-English speakers

If you need help to understand the information in this policy please contact the school office on 7002 6580.

POLICY AND GUIDANCE

A range of leave provisions are available to Department of Education and Training (DET) employees.

The leave topics available on the DET website provide details of the leave entitlements and policy surrounding the granting of each leave type.

In order that we have a well-managed school that provides staff with an opportunity to apply for leave in a professional manner we have outlined a process below that covers several types of leave.

The school principal has the responsibility for managing all leave and leave requests, as well as ensuring the smooth and efficient operation of the school.

PURPOSE

To ensure the staff at Tarneit Rise Primary School is informed about types of leave available.

To provide a set of clear understandings and processes that can be used to guide the application and awarding of staff leave.

To provide guidelines and processes 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, reasonable and equitable basis.

IMPLEMENTATION

In determining whether leave may be granted, staff members must ascertain their entitlement via the Edupay system.

The principal will ascertain the effect on the school before granting leave.

Staff must not book or pay for holidays prior to leave being approved.

Any leave requests of five days or more must be made with at least a term's notice.

A staff member employed for a fixed term has no entitlement to any form of leave beyond the date of employment.

For each day that an employee is absent on approved leave, the hours of work for the purposes of debiting leave shall be taken as 7.6 hours (7 hours and 36 minutes). Where an alternative arrangement of days and hours is worked leave will be debited on the basis of the actual hours to be worked on the day of the leave.

Unless special circumstances exist, a staff member is required to report an absence due to illness, bereavement or for compassionate reasons to his or her supervisor or manager as early as practicable before the staff member's normal commencement time. The staff member should advise the cause of the absence and the expected date of return.

All leave types can be accessed through the Policy Advisory Library (PAL).

Ongoing staff may apply for jobs in other schools and may be granted one period (of up to twelve months) of a temporary transfer.

All leave types can be accessed through the various A-Z topic index on the website <http://www.education.vic.gov.au/school/principals/spag/hr/Pages/hr.aspx>

There may be conditions associated with the granting of leave e.g. any leave taken during Term 2 or Term 4 may be granted on the understanding that:

- In the case of four weeks or less, all reports will be written and proof read;
- In the case of six weeks or more all information necessary to complete reports is left in an easily accessible form for replacement staff member;
- Interviews to be rescheduled to Term 3.

When considering an application for leave there shall be:

- recognition of the rights and entitlements of staff,
- recognition of the interests of the school,
- a process which is fair, equitable, reasonable, impartial and non-discriminatory, and protection from arbitrary action or personal favouritism or coercion.

Further information about leave entitlements can be obtained by staff through verbal requests to the principal or through the web address displayed at the bottom of this policy.

The School Council has no role or responsibility in the consideration or granting of leave to staff.

Once staff return from personal leave it is to be entered on eduPay within 5 business days. Failure to do this may result in their leave being entered as leave without pay.

All staff are asked to adhere to the following guidelines so that everyone benefits from an open process that caters for all in a fair and professional way.

All Leave Without Pay must be entered on eduPay as soon as it is approved by the principal AND before leave is taken.

Staff on leave of a term or more must return school keys, security fob and laptop to the Business Manager before starting leave.

Annual Leave

A full-time employee is entitled to 152 hours (20 days) annual leave in respect of each calendar year. Part-time employees receive annual leave entitlements on a pro rata basis calculated according to the time fraction worked.

Annual leave accrues at the rate of 1/12 of the annual entitlement for each completed month of employment.

Service for annual leave accrual purposes includes all periods of:

- duty
- paid leave
- leave without pay not exceeding one month in any calendar year

Employees are expected to use annual leave during school vacation periods unless otherwise approved. Public holidays that fall during a period of annual leave are not regarded as part of that leave.

During a period of annual leave, an Education Support staff (ES) employee may be granted personal leave.

A full-time ESS employee is entitled to 228 hours (30 days) additional paid leave in respect of each calendar year. Part-time employees receive additional paid leave entitlements on a pro rata basis calculated according to the time fraction worked.

Additional paid leave accrues at the rate of 1/12 of the annual entitlement for each completed month of employment.

Service for additional paid leave accrual purposes includes all periods of:

- duty
- paid leave
- leave without pay not exceeding one month in any calendar year

An ES employee who becomes ill or is injured during annual leave may be granted personal leave (see Personal Leave under Related Topics for more information).

ES employees are expected to use additional paid leave during school vacation periods unless otherwise approved. Public holidays that fall during a period of additional paid leave are not regarded as part of that leave.

During a period of additional paid leave, an ESS employee may be granted personal leave (see Personal Leave for more information).

An ES employee who is required, or agrees, to attend for duty and/or professional development during the period of additional paid leave will be paid the leave purchase allowance and his or her additional paid leave will be reduced accordingly.

ESS employees, except those in receipt of a fortnightly leave purchase allowance, will have annual or additional paid leave automatically entered on eduPay during school vacation periods. An ESS employee in receipt of a fortnightly leave purchase allowance will not have annual or additional paid leave automatically entered on eduPay during school vacation periods. These employees will need to submit applications for leave through Employee Self Service (ESS) on eduPay.

(Latest update late June 2020)

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.

Employees may view their current long service leave entitlement, or forecast future entitlements, on eduPay using Employee Self Service (see below).

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.

Whilst Long Service Leave is an entitlement, the timing of the leave is discretionary. An application for Long Service Leave needs to be lodged no later than one full term before the intended commencement of leave.

In considering applications for Long Service Leave, the principal will have regard to the operational requirements of the school, taking into account the availability of replacement staff and the number of staff who wish to take leave at the same time. Where Long Service Leave is not granted, arrangements should be made with the employee to enable leave to be taken at an alternative date in the future.

An employee may access some or all of their Long Service Leave entitlement during a period of unpaid parental absence.

An employee granted Long Service Leave with full pay will be paid his/her normal rate of pay during the period of leave. An employee may elect to take all or part of the leave at half pay. An employee may apply for payment in advance for Long Service Leave.

Employees have the option to commute a portion of long service credit to salary in conjunction with a Long Service Leave absence of 228 hours (six weeks) or longer.

Commutation of Long Service Leave is also available in special circumstances (such as financial hardship) without the requirement to be absent for a period of Long Service Leave. Applications for commutation in these circumstances should be made in writing (or the Regional Director in the case of a principal) is satisfied that the employee has, in all the circumstances, reasonable grounds to commute some or all of his or her long service leave credits, the principal (or the Regional Director in the case of a principal) may approve the commutation of the long service leave credits sought by the employee.

With the exception of ESS employees, where a school vacation period occurs during a period of Long Service Leave, the school vacation will form part of the leave. Generally, where Long Service Leave is to commence at the beginning of a school term and/or to end at the conclusion of a school term, the school vacation period immediately preceding and/or immediately following the leave is not counted as part of the leave.

ESS employees are expected to use accrued annual leave and additional paid leave during school vacation periods unless otherwise approved, therefore Long Service Leave is not generally approved during school vacation periods.

Public holidays which occur during a period of leave will not form part of the leave.

An employee who becomes ill or is injured during long service leave may be granted personal leave (see Personal Leave for more information including eligibility requirements). Where this occurs, the equivalent amount of long service credits will be restored to the employee. The initial period of leave will not be automatically extended, however an employee may apply for an extension of the leave.

Other Information

Applicants should confirm their long service leave entitlement via EduPay prior to submitting a written application for long service leave.

Applications should know if their request has been granted within four weeks of the request being made. Applicants must not book or pay for holidays until the leave has been approved.

If cancellation is required, six weeks' notice prior to the commencement of the leave date must be provided. If other staff have been appointed to cover the absence, staff taking leave will not be able to have it rescinded.

Any member whose application for service leave is refused has the right for appeal. Appeals must be in writing and must specify any particular circumstances that the member believes warrant consideration.

(Latest update late May 2020)

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

An employee may also be entitled to other leave preceding the birth or adoption of a child.

The Parental Absence Teaching Service Guide which was updated May 2020, is available below, provides policy and other information on the following areas:

- Parental absence
- Paid leave entitlements
- Resumption of duty
- Leave preceding parental absence
- Commonwealth Parental Leave Pay Scheme

Those requesting Family Leave should inform the principal as soon as possible.

An employee may return to duty after a parental absence:

- six weeks following the birth or placement of a child or the expiration of maternity leave if written notice of intention to return is given to this effect prior to the commencement of the absence; or
- on the first day of any term if written notice of intention to return is given by 1 October in the year preceding the intended date of return; or
- at such other times as may be approved in any particular case provided that applications on compassionate or hardship grounds will not be unreasonably refused.

If a total of seven years of parental absence has been taken, a further period of parental absence may be approved in the event of any subsequent birth, adoption or otherwise becoming the legal parent of a child.

(Latest update late August 2017)

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.

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.

The Ministerial Order 199 states: 6.2.9 (1) (a) Applications for personal leave must be supported by a required document. A required document in respect of personal leave for injury or illness and must state that the employee is unfit for duty for the period of leave.

Staff taking carers' leave must ensure that any required document submitted states 'person requiring care and support is suffering from an illness which requires care by another or requires care or support' or words to that effect. The definition of a required document (in this case) is a medical certificate.

The personal leave policy guide, which is available below, provides further information on the following areas:

- Personal leave entitlement
- Applications for personal leave
- Medical assessment
- Effect of other leave on personal leave

(Latest update late August 2017)

Study Leave

Study Leave is one of a range of professional learning options covering both formal and informal training and resources for employees in the teaching service to build the capacity of the workforce to improve student learning outcomes.

The purpose of Study Leave is to enable an employee to pursue a course of studies or training or to undertake research which would improve the potential of the employee to serve the state in the teaching service.

Employees in the teaching service may be granted full or part time Study Leave, with or without pay. Applications for study leave are considered having regard to the following criteria:

- relevance of the study or research to the priorities of the school/Department
- relevance of the study or research to the present or future duties of the applicant
- the study or research is the most effective form of professional learning for the applicant;
- the study or research can be accommodated within the available budget;
- the staffing needs of the school can accommodate the proposed study leave.

Where Study Leave is granted without pay the period of leave is recognised as service for annual leave, personal leave and long service leave purposes.

Where an application for Study Leave does not satisfy the criteria set out above consideration may be given to granting a period of leave without pay provided the staffing needs of the school can accommodate the period of absence. In this case the period of leave without pay will not count as service.

The principal of each school is responsible for determining Study Leave applications from assistant principals, teachers and ESS employees in his or her school. The Regional Director is responsible for determining study leave applications from principals in his or her Region. Applications for Study Leave should include details of the course to be undertaken, a copy of the course timetable and details of leave required.

Applications for study leave should be submitted through Employee Self-Service. Select the following link for more information ESS eduPay

(Latest update May 2020)

Infectious Diseases Leave

Employees who contract, or who are at risk of contracting an infectious disease, may be entitled to infectious diseases leave. In general, infectious diseases leave would be approved for poliomyelitis, pulmonary tuberculosis, infectious hepatitis, German measles (rubella), chicken pox (varicella), measles (morbilli), mumps (porrolitis), rheumatic fever, scarlet fever, whooping cough, diphtheria, meningitis, typhoid, head lice (pediculosis) and COVID-19

Where a medical practitioner, approved by the Secretary, certifies that an employee has contracted an illness as a direct result of exposure to a prescribed infectious disease during the course of their duties, the employee may be granted paid leave of up to three months without deduction from personal leave. This does not apply in the case of poliomyelitis, pulmonary tuberculosis or infectious hepatitis.

Where a medical practitioner, approved by the Secretary, certifies that an employee has contracted poliomyelitis, pulmonary tuberculosis or infectious hepatitis as a direct result of exposure to the disease during the course of their duties, the employee may be granted up to six months personal leave with full pay and six months personal leave on half pay. Where personal leave credits are insufficient to cover the absence paid leave may be granted provided the total period of paid leave does not exceed the maximum entitlement of infectious diseases leave. A full-time employee (pro

rata for part-time employment) will resume duty with a credit balance of not less than 182.4 hours (24 days) personal leave.

Applications for infectious diseases leave must be supported by a medical certificate specifying the disease and including a statement that the employee has contracted the illness directly attributable to an infection at the workplace. In determining applications for infectious diseases leave the delegate must be satisfied that there have been recent cases of the infectious disease in the workplace and that it is probable that the employee has been exposed to that disease.

In the event of an epidemic or pandemic, all directions outlined by DET will be followed.

Exclusion from the workplace due to legal restrictions

Where a medical practitioner approved by the Secretary certifies that an employee is unable to attend for duty due to restrictions imposed by law as a result of contact with a person suffering from an infectious disease, the employee may be granted leave with full pay without deduction from personal leave credits for the period the law requires that employee to be absent from duty.

For an employee who may be at greater risk of contracting an infectious disease (for example, a person who has a known immune deficiency) they should be advised to seek advice from their medical practitioner in relation to the risks associated with contracting the particular infectious disease.

If the medical practitioner advises that there is an unacceptable risk, the principal is required to take steps to remove the person to a safe work location. When it is not possible to relocate the person to a safe work environment, the principal should contact the Regional Director.

None of the above precludes an employee from making a claim for workers' compensation in the event of contracting an infectious disease in the course of performing duties. In such circumstances, the employee must apply for infectious diseases leave in addition to lodging a workers' compensation claim.

(Latest update May 2020)

Jury Service

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.

Note: From time-to-time teachers may be called upon to complete jury service. If more than one teacher from a school is called for jury duty at the same time, the Juries Commissioner may be prepared to defer attendance (with the individual's consent) so that only one teacher is out of the school at a time. The principal may wish to contact the Juries Commissioner's office in these circumstances. Contact information is available at <https://www.courts.vic.gov.au/jury-service>

(Latest update early May 2020)

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.

Employees may also need to seek approval to engage in other employment during a period of leave without pay.

With the exception of applications for leave without pay to count as service (see below), the principal has the delegation to approve leave without pay in respect of all staff employed at his or her school and the Regional Director has the delegation to approve leave without pay in respect of principals.

Applications for leave without pay must be made six months prior to the leave being taken to enable the application to be determined prior to the commencement of the leave without pay. In determining applications for leave without pay the following matters will be considered:

- the length of service of the employee
- the reason for leave
- the availability of suitable replacement staff
- any other factor considered relevant.

In general where leave without pay is sought for the school year, the period of leave would normally be granted from the first school day of one year to the day immediately preceding the first school day of the following year. Where the period of leave without pay sought is for less than a school year but spans a school vacation period, the period of leave would normally include the vacation period.

Leave without pay to count as service may be granted for the following reasons:

- study leave
- to engage in employment with the Commonwealth or any State or Territory of the Commonwealth or any public statutory body constituted under the law of the Commonwealth or a State or Territory of the Commonwealth including any university or educational institution offering courses at tertiary level
- to engage in any other employment or occupation which would improve the potential of the employee to serve the State in the Teaching Service;
- to engage in employment in connection with any joint enterprise in which the Commonwealth or a State or Territory of the Commonwealth is concerned; or
- to engage in employment in or in connection with any other enterprise to which the State has agreed to provide assistance.

(Latest update May 2020)

Sabbatical Leave

Sabbatical Leave is a professional renewal incentive scheme designed to provide employees with a flexible arrangement whereby they can fund a period of sabbatical leave.

In particular, Sabbatical Leave enables employees to engage in a variety of alternative activities of their choice and to gain skills and experiences that they might otherwise not be able to access.

The Sabbatical Leave scheme comprises two components:

1. a work period during which the employee will receive his or her annual salary reduced by 20 %
2. a Sabbatical Leave period during which the employee will be placed on leave and will receive the accrued salary owing

The duration of the work period may be for a minimum of one year up to a maximum of four years.

The period of Sabbatical Leave shall be taken immediately following the completion of the relevant work period during which salary was reduced.

An employee is eligible to apply for Sabbatical Leave provided they are employed by the Department and their term of employment extends beyond the Sabbatical Leave period.

(Latest update May 2020)

Time in Lieu (ES STAFF Employees)

An ESS employee is entitled to time off in lieu where he or she is required to work in excess of his or her normal hours of duty. Time off in lieu is equivalent to the additional time worked. Time in Lieu must be approved by the principal prior to it being accrued.

The requirement to work hours in excess of normal hours should only be where such work is unavoidable and reasonable notice is provided. All work required in excess of an ESS class employee's normal hours of work must be documented by the principal. An ESS employee who is directed to work in excess of his or her normal hours of duty may request not to do so where this would unreasonably affect personal or family commitments and the principal will not unreasonably refuse such a request.

The time at which time off in lieu is granted is at the discretion of the principal having regard to the operational needs of the school and the wishes of the employee. Time off in lieu may be granted on any day other than a day of approved leave.

As an alternative to time off in lieu, the principal and the employee may agree to payment for time in lieu owed at the employee's normal rate of pay.

Unless otherwise agreed between the Principal and the employee, where time in lieu remains outstanding from the previous school year, at 30 June of the following school year the employee may elect to:

- a) take time off equivalent to the time owed, commencing immediately or

- b) request payment at his or her normal rate of pay plus 50% for the additional time worked.

(Latest update May 2020)

Cultural and Ceremonial Leave

The principal may approve attendance during working hours by an ESS employee of Aboriginal or Torres Strait Islander descent at any Aboriginal community meetings, except the Annual General Meetings of Aboriginal community organisations at which the election of office bearers will occur.

Employees of Aboriginal or Torres Strait Islander descent may be granted access to accrued long service leave or such other leave approved by the Secretary (or delegate) to attend Annual General Meetings of Aboriginal community organisations at which the election of office bearers will occur.

Leave may be granted to an employee of Aboriginal or Torres Strait Islander descent for ceremonial purposes:

- connected with the death of a member of the immediate family or extended family (provided that no employee will have an existing entitlement reduced as a result of this provision); or
- for other ceremonial obligations under Aboriginal and Torres Strait Islander law.

(Latest update June 2020)

Spouse Leave

Leave without pay from three months to 12 months will be granted once every three years to an employee whose spouse, as a consequence of pursuing his or her occupation, is required to shift residence interstate or overseas, travels overseas, is transferred within Victoria.

(Latest update May 2020)

Bereavement Leave

Leave on full pay of up to three days may be granted to an employee on the occasion of the death of a member of the employee's immediate family or household or for the purpose of making funeral arrangements or attending a funeral.

Leave, with or without pay, in excess of that specified in the subclause above may be granted if the Employer is satisfied that three days is inadequate.

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 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.

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

(Latest update June 2020)

EVALUATION

This policy will be reviewed every three years or if guidelines change (latest DET updates various as above) and in line with changes to Staffing Agreements.

POLICY REVIEW AND APPROVAL

Created date	September 2017
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Endorsed by	Principal
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