

# Personal Leave Procedures

## Section 1 - Preamble

(1) These procedures apply where employment is governed by the University's current Enterprise Agreement. The provisions under other industrial instruments may differ.

(2) Information relating to an employee's health is treated confidentially.

## Section 2 - Approval Authority

(3) The employee's supervisor has the authority to approve personal leave, subject to the availability of entitlement, within the provisions of the Enterprise Agreement or appropriate industrial instrument, University Policies and Procedures.

## Section 3 - Eligibility and Conditions

### Eligibility

(4) Full-time continuing and fixed-term employees accrue personal leave of 15 days per annum. Part-time employees are entitled to personal leave on a pro-rata basis. New employees are entitled to access their first year's personal leave entitlement on commencement.

(5) Casual employees are not eligible for paid personal leave. Where illness prevents a casual employee from attending work, they should notify their supervisor of their absence within one hour of their normal commencement time.

### Conditions

(6) Subject to clause 4, personal leave accrues progressively during the year, and accumulates from year to year.

(7) Personal leave does not accrue when an employee is on leave without pay or in receipt of an incapacity or disablement benefit from the relevant superannuation fund.

(8) The requirements relating to the provision of medical certificates must be met (see clauses 13 - 16) for each absence.

### Reasons for personal leave

(9) Personal leave may be taken where the employee is unfit for work because of a personal illness, or personal injury, affecting the employee, including for personal illness or personal injury arising from domestic violence.

(10) Paid personal leave may be approved when an employee:

- a. is unable to work on account of illness or personal injury, or
- b. requires urgent dental treatment, or urgent treatment by a recognised medical para-professional, or

- c. requires non-urgent medical, remedial or dental treatment where it is not possible to obtain an appointment outside normal working hours.

(11) Where an employee has exhausted their annual carer's leave entitlement, they may access their accrued personal leave entitlement for carer's leave purposes. Where the absence is 3 days or more, it must be supported by a medical certificate specifying the duration of the illness of the family member concerned.

### **Notification requirements**

(12) As far as practicable, an employee absent due to illness or incapacity will advise their supervisor within one hour of the commencement of the first working day of the absence, advising the estimated duration of the absence. The employee must communicate directly with their supervisor or nominated officer, not by way of voice mail or email.

### **Medical certificates**

(13) Where a personal leave absence is in excess of three consecutive working days, applications for personal leave must be supported by a medical certificate from a medical practitioner (medical doctor or medical specialist), rather than a dentist or medical paraprofessional.

(14) The medical certificate provided must specify the period or approximate period of absence. For example, a further medical certificate is not required to cover an extra single day absence.

(15) Notwithstanding the provisions of clauses 13 and 14, an employee who has a pattern of recurring absences may be required to provide a medical certificate for any leave absence stating that the employee is unable to attend for duty in respect of the day or days applied for as personal illness or personal injury leave.

(16) If an employee fails to provide the medical certificate in accordance with the above clause, the employee will not be paid for their absence.

### **Personal leave without pay**

(17) Where paid personal leave has been exhausted, the absence may be debited as leave without pay.

(18) Employee superannuation contributions may be required during a period of personal leave without pay. Further information can be obtained from HR Services.

### **Use of other forms of leave**

(19) Where paid personal leave is not available, the absence will be without pay. Alternatively, the employee may elect to have the absence deducted from available annual leave or long service leave (LSL). (The minimum requirements for the taking of LSL do not apply in this case.)

### **Re-credit of other forms of leave**

(20) Where an employee, who is eligible for personal leave, produces a satisfactory medical certificate confirming that they were incapacitated for a period of one working week or more whilst on annual leave or long service leave (LSL), the University will re-credit the employee with an equivalent period of leave providing:

- a. the period of annual leave or LSL to be re-credited is at least one working week; and
- b. the employee applies for the personal leave within one week of returning from approved leave.

(21) No such re-credit will be granted to an employee on annual leave or LSL immediately prior to retirement, resignation or termination of employment.

(22) Personal leave will not be granted where:

- a. an employee is absent on approved leave, other than annual leave and long service leave as specified in clause 20; or
- b. flexi leave has been approved for a professional employee and they do not provide advice that they are ill until the day the flexi leave is taken.

### **Workers' compensation**

(23) If an employee's absence results from a work related illness or injury, the supervisor and the Workplace Health and Safety (WHS) team must be notified as soon as possible after the injury occurs and the appropriate workers' compensation documents completed (see Workers' Compensation Procedures for further information).

(24) An employee will not be entitled to be paid personal leave for personal illness or injury for any period during which the employee is entitled to workers compensation payments.

### **Health risks**

(25) Where a supervisor is aware that an employee is suffering from a condition that may affect the health and safety of others or themselves while at work, the employee may be requested to provide a medical clearance from their medical practitioner before returning to the workplace.

### **Notification of major illness**

(26) If an employee suffers a major illness requiring a lengthy absence from work, the supervisor should advise HR Services as soon as possible. HR Services will co-ordinate further action to assist the employee and keep the Head of Work Unit informed.

### **Lengthy or frequent periods of personal leave**

(27) To enable appropriate support to be offered to employees who have taken lengthy or frequent periods of personal leave and to enable the University to address any workplace issues that may exist, it is important for supervisors to establish the reason for the leave as soon as possible. It may be necessary for the supervisor to visit or meet with the employee to establish the circumstances surrounding their absence.

(28) At this meeting supervisors may need to take some or all of the following steps:

- a. provide the employee with details of their personal leave record and the opportunity to explain their reasons for taking leave;
- b. where problems exist and further information is required, inform the employee that they will need to provide more information so that suitable arrangements can be considered;
- c. if there is concern about the employee's fitness to return to duty, consider and discuss with the employee options such as applying for permanent/temporary disablement benefits where they are available through their superannuation scheme;
- d. if necessary, take steps detailed in clauses 39 to 47 regarding absenteeism relating to personal leave.

### **Return to work**

(29) The University is committed to assisting its employees return to work as soon as is safely possible after a period of temporary disability caused by injury or illness. Through processes such as a gradual return to duty and temporary modification of duties, a return to work plan can be introduced. Employees and supervisors should discuss the possible options, and if necessary, seek the assistance of the Manager, Workplace Health and Safety.

(30) If an employee has provided a medical certificate which indicates they are unfit for a specified period and they wish to return to work before the expiration of the period covered by the certificate, a clearance medical certificate

indicating their fitness to resume duty may be required.

### **Fitness to continue employment**

(31) If an employee is suffering an illness which is likely to be long term and doubt exists about the employee's capacity to return to work, contact HR Services for advice.

### **Rates of pay for personal leave**

(32) Salary will be paid at the employee's ordinary rate of pay during a period of paid personal leave.

(33) Relieving allowance and additional responsibilities allowance will continue to be paid during periods of paid personal leave if the employee is in the higher position for a total continuous period of six months or more. Relieving allowance will not be paid when the total continuous period in the higher position is less than six months. In such cases, should the period in the higher position subsequently be extended beyond six months, the allowance will only be paid during periods of paid personal leave taken after an extension beyond six months has been approved and six months in the higher position has been served.

(34) First aid allowance will be paid during periods of paid personal leave.

(35) Shift allowances are not payable for any personal leave absences.

### **Reimbursement of loss of earnings**

(36) Where paid personal leave is approved and the employee subsequently receives reimbursement for loss of earnings from a source other than the University (e.g. third party workers' compensation or insurance claim), payments made to the employee must be reimbursed to the University.

### **Suspension of committee and administrative duties**

(37) During an extended absence on personal leave the employee is to suspend membership on all SCU committees and relinquish all activities of an administrative nature. The employee should notify the chairperson of each committee as soon as practicable.

### **Employee records**

(38) Employees may access a record of their approved personal leave using MyHR. If information concerning medical certificates or records predating MyHR is required, enquiries should be directed to HR Services.

### **Managing personal leave**

(39) Supervisors are responsible for managing personal leave when employees are absent due to illness or injury for extended periods (eg more than a few days, if the return to work date is unspecified, etc) or if there are frequent periods of personal leave. The supervisor should liaise with employees to obtain medical certificate(s) and ensure that they are submitted to HR Services in a timely manner.

(40) The supervisor may submit an online leave application on the employee's behalf if they are unable to and advise the employee in writing that the record has been adjusted accordingly.

(41) Supervisors should contact their HR Consultant for assistance with managing personal leave where there are any concerns relating to the taking of personal leave. The HR Consultant, in conjunction with the WHS team, may also assist to facilitate return to work programs for staff returning from illness or injury, where required.

(42) If there is reasonable doubt that personal leave is not being used for its proper purpose and/or there is a pattern of recurring illness, medical certificates may be required for all future personal leave absence.

## **Section 4 - Application and Approval Process**

(43) As far as practicable, an employee absent due to illness or incapacity will advise their supervisor within one hour of the commencement of the first working day of the absence, advising the estimated duration of the absence. The employee must communicate directly with their supervisor or nominated officer, not by way of voice mail or email.

(44) The employee is required to complete a leave request in MyHR, prior to commencing the leave where possible, or as soon as they return to work.

(45) If a medical certificate is required, employees are required to attach the medical certificate to the leave application in MyHR.

(46) When the leave has been approved, the employee will receive an automatically generated confirmation email.

(47) Professional employees are required to reflect the period of their leave on their attendance record.

(48) Where applicable, payment of allowances will cease during the period of leave.

## **Section 5 - Links and Forms**

(49) SCU Enterprise Agreement

(50) Apply for leave - My HR

(51) Supervisor's guide to leave

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	23rd January 2023
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<b>Expiry Date</b>	13th September 2023
<b>Responsible Executive</b>	Kim Franks Vice President (People and Culture)
<b>Head of Work Unit</b>	Kath Drew Director, Human Resources
<b>Enquiries Contact</b>	HR Services