

# EXTRACT

## 50. PERSONAL LEAVE

- 50.1 An employee (other than a casual employee) is entitled to personal leave on full pay at the rate of fifteen working days for each completed year of service from the date of appointment. Such leave will be credited twelve months in advance and for University purposes, personal leave will be recorded in hours, not days. The annual personal leave entitlement for full-time academic employees is 114.0 hours (based on 7.6 ordinary hours per work day), and for full-time general staff employees it is 110.25 hours (based on 7.35 ordinary hours per work day). One day's absence on personal leave for full-time employees will mean a deduction of 7.6 hours for academic employees, or 7.35 hours for general staff employees, from the personal leave entitlement. Part-time employees are entitled to fifteen days personal leave but at the equivalent *pro rata* number of hours. However, in the first year of appointment:
- 50.1.1 a full-time employee appointed on a continuing basis or on a fixed-term contract for a period of twenty-four months or more will be credited on appointment with the equivalent of two years entitlement to cover the first two years of service. Part-time employees will have a *pro rata* entitlement; and
- 50.1.2 an employee appointed on a fixed-term contract for a period of less than twenty-four months will be credited on appointment with the amount of leave that would accrue during the period of contract. Provided further that where an employee terminates employment prior to the first anniversary of appointment, and the employee has used in excess of fifteen days personal leave, the University shall be entitled to recoup any days in excess of fifteen days from the employee's termination payments unless the employee can demonstrate to the University's satisfaction that the termination was due to ill health. The demonstration of proof shall be in accordance with this Clause.
- 50.2 The personal leave entitlement in 50.1 will accumulate during periods of continuous service (pro rata for part-time employees) if not taken any personal leave accumulated entitlements will not be paid out on termination of employment.
- 50.3 An employee may take personal leave for any of the following absences:
- 50.3.1 where the employee is unfit for work due to personal illness or injury;
- 50.3.2 to attend an appointment with a registered health practitioner;
- 50.3.3 to provide a member of the employee's immediate family or household with care or support due to personal illness or injury, or in relation to a personal emergency affecting such a person. Prior to accessing personal leave for carer's leave purposes an employee (other than a casual employee) can request and be granted up to five (5) days additional leave with pay in a twelve month period (for part-time employees, a pro-rata basis will apply). The five (5) days referred to in this sub-clause is not cumulative;
- 50.3.4 where a supervisor is of the opinion that a problem is adversely affecting an employee's work performance, such as stress, alcohol or drug dependence, or compulsive gambling, personal leave may be granted to attend an approved rehabilitation program; or
- 50.3.5 where a supervisor is of the opinion that a problem is adversely affecting an employee's work performance, such as marriage/family matters or domestic violence (and in the case of domestic violence, domestic violence leave in clause 55 has been exhausted), personal leave may be granted to attend to such matters.
- 50.4 An employee must give the University notice of the taking of leave under this clause. The notice:
- 50.4.1 must be given to the employer as soon as practicable (which may be a time after the leave has started); and
- 50.4.2 must advise the University of the period, or expected period, of the leave.
- 50.5 For any period of absence on paid personal leave described in 50.3.1 or 50.3.2, in excess of three consecutive working days, or in excess of six aggregate working days in any year of service, the employee will, as soon as reasonably practicable, furnish a medical certificate from a registered health practitioner. If it is not reasonably practicable for the employee to provide such a medical certificate, the employee must provide a statutory declaration.

- 50.6 If personal leave is required because of circumstances described in clause 50.3.5 the employee must provide a medical certificate from a registered health practitioner or statutory declaration regardless of the length of the absence, provided that:
- 50.6.1 In some instances, such as in the case of leave relating to domestic violence other evidence such as a police or court report, or document from a lawyer or counselling professional may be acceptable; and
- 50.6.2 The Director, Human Resources, may at times, also accept other forms of evidence relating to personal leave when it relates to domestic violence.
- 50.7 In other certain circumstances, such as taking a child or elderly parent to a medical appointment, and involving an absence of less than three hours, an employee may seek prior approval from their relevant supervisor to make up the difference in working hours within a week of the absence, or take the time off in lieu of previous additional hours worked.
- 50.8 Where an employee does not produce a medical certificate or statutory declaration as requested by this Clause, the absence shall not be granted as paid personal leave but shall be granted as leave without pay (unless the employee could not comply with the requirement because of circumstances beyond the employee's control). Provided that such absence without a medical certificate may be deducted from the employee's annual leave at the employee's request.
- 50.9 An employee who has exhausted their entitlement to personal leave or who is a casual employee may take up to two day's unpaid personal leave for each occasion when a member of the employee's immediate family or household requires the employee's care or support because of a personal illness or injury or an unexpected emergency affecting the member.
- 50.10 The employee is entitled to unpaid personal leave only if the employee complies with the notice and documentation requirements set out in sub-clauses 50.5 and 50.6 above.
- 50.11 An employee entitled to a period of unpaid personal leave under sub-clause 50.10 for a particular occasion is entitled to take the leave as:
- 50.11.1 single, unbroken period of up to two days; or
- 50.11.2 any separate periods to which the employee and the University agree.
- 50.12 GENERAL CONDITIONS RELATING TO THE APPLICATION AND APPROVAL OF PERSONAL LEAVE
- 50.12.1 An application for personal leave or utilising Employee Self Service (or its replacement) must be submitted to the relevant supervisor delegated for leave approval.
- 50.12.2 An employee should endeavour to provide as much notice as possible of the requested leave. If it is not possible for the employee to give prior notice, the employee will notify the supervisor of such absence at the earliest opportunity (by telephone, e-mail, etc.).
- 50.12.3 The Employee Self Service request for personal leave must outline the reason for the requested leave and the estimated length of absence.
- 50.12.4 Carer's leave may not be used to substitute for childcare or dependent care arrangements, including on gazetted public holidays or during normal school holiday periods unless the leave is in accordance with sub-clause 50.3.3 above.
- 50.13 Where a Public Holiday observed by the University falls during a period of personal leave, no deduction will be made from the personal leave credits of the employee for that day.
- 50.14 An employee may convert personal leave used pursuant to clause 50.3 on full pay to personal leave on half pay at any time.
- 50.15 Where a period of personal illness or injury sustained by the employee occurs during annual leave or long-service leave and the University receives a medical certificate from a registered health practitioner (or, if it is not reasonably practicable for the staff member to provide such a medical certificate, a statutory declaration made by the staff member) stating that the staff member was unable to attend work or was unfit for duty during that period, the absence shall be counted as personal leave, and that period of annual leave or long-service leave shall be re-credited to the staff member.
- 50.16 Where an employee is continuously absent from duty because of illness beyond a period of thirteen weeks, the employee shall not be permitted to return to duty until a registered medical practitioner approved by the University certifies fitness to return to duty. Where the University has directed their registered medical practitioner to be consulted for these purposes, the medical accounts will be paid for by the University.

- 50.17 An employee who contracts an infectious disease classified as notifiable to the Victorian Department of Health and Human Services, or who is required by a medical practitioner to remain in isolation due to contact with a person suffering from a notifiable infectious disease, will be granted isolation leave on full pay for the required period and no deduction will be made from personal leave credits.
- 50.18 An employee will be entitled to be granted special repatriation leave for illness due to disabilities certified by the Department of Veterans Affairs as having directly resulted from war service. Such leave will be granted with full pay up to fifteen days during each year of service and will not be deducted from personal leave credits. Such leave will accumulate if not taken provided that the total of the accumulated leave will not at any time exceed one hundred days.

~ end of extract ~