

EXTRACT

36. Personal/carer's leave

- 36.1 For the purposes of this clause "immediate family" includes spouse, former spouse of the employee and child or an adult child (including and adopted child, a step child or an ex-nuptial child), parent, grandparent, grandchild, or sibling of the employee or spouse or former spouse of the teacher.
- 36.2 An employee (other than a casual employee) is entitled to personal/carer's 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/carer's leave will be recorded in hours, not days. The annual personal/carer's leave entitlement for full-time employees is 114.0 hours. One day's absence on personal/carer's leave for full-time employees will mean a deduction of 7.6 hours from the personal leave entitlement. Part-time employees are entitled to fifteen days personal/carer's leave but at the equivalent pro rata number of hours. However, in the first year of appointment:
- 36.3 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;
- 36.4 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.
- 36.5 Personal leave will accumulate during periods of continuous service (pro rata for part-time employees) if not taken but any personal leave accumulated entitlements will not be paid out on termination of employment.
- 36.6 An employee may take personal/carer's leave for any of the following absences:
- a) where the employee, or an immediate family member, is unfit for work due to personal illness or injury;
 - b) to attend an appointment with a registered health practitioner;
 - c) 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.
 - d) where a supervisor is of the opinion that a problem is adversely affecting an employee's work performance, such as marriage/family matters, personal leave may be granted to attend to such matters.
- 36.7 An employee must give the University notice of the taking of leave under this clause. The notice:
- a) must be given to the University as soon as practicable (which may be a time after the leave has started); and
 - b) must advise the University of the period, or expected period, of the leave.
- 36.8 For any period of absence on paid personal/carer's leave 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.
- 36.9 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.
- 36.10 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/carer's 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.
- 36.11 General conditions relating to the application and approval of personal leave:

- a) an application for personal/carer's leave or utilising Employee Self Service **(or its replacement)** must be submitted to the relevant supervisor delegated for leave approval;
- b) 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.);
- c) the Employee Self Service request for personal/carer's leave must outline the reason for the requested leave and the estimated length of absence;

36.12 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.

36.13 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.

36.14 Where an employee is continuously absent from duty because of illness beyond a period of six 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.

36.15 An employee who contracts an infectious disease classified as notifiable to the Victorian Department of Health, 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.

36.16 Recognition of prior service

For all TAFE Teachers commencing employment with the University on or after the date of certification of this agreement, the University will recognise prior service for the purposes of sick leave credits only as follows:

- a) With other publicly-funded Australian Universities and TAFE Colleges/Institutes;
- b) With privately-funded Universities whose Chief Executive Officer is a member of Universities Australia; and
- c) With any Victorian Public State Secondary or Primary School

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