

EXTRACT

22. PERSONAL LEAVE

[22 Sick leave, title changed and substituted by [PR969417](#) ppc 07Mar06]

For the purposes of this clause **immediate family** includes spouse, former spouse of the employee and child or an adult child (including an 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.

- 22.1** Where an employee is absent from duty by reason of personal illness or injury or is required to provide care and support for a member of the employee's family or household who is ill, personal leave at the ordinary rate of pay shall be granted in accordance with the following provisions:
- 22.1.1** On appointment an employee shall be entitled to a credit of fifteen days personal leave on full pay. Upon the completion of the first year of service, personal leave shall be accrued at the rate of 1.25 days per month.
 - 22.1.2** The employer may grant additional paid leave in advance of entitlement.
 - 22.1.3** Notwithstanding 22.1.1, if an employee's employment is terminated and that employee has taken more paid personal leave than would have been accrued at the rate of fifteen days per year the employer may recoup the amount of paid personal leave in excess of the leave accrued.
 - 22.1.4** Unused personal leave shall be cumulative.
 - 22.1.5** Where practicable any employee shall within three hours of the commencement of such absence inform the employer of his/her inability to attend for duty and as far as practical state the estimated duration of absence.
 - 22.1.6** An employee shall prove to the satisfaction of the employer that the inability to attend for duty was due to such illness or injury or the need to care for an ill or injured immediate family or household member on the day or days for which personal leave is claimed. The provision of a medical certificate from a registered health practitioner with respect to such illness or injury shall be taken to satisfy the requirements of this clause providing that where the absence is due to the need to care for an ill or injured immediate family or household member, the medical certificate must state that the illness or injury is such as to require care by the employee.
 - 22.1.7** An employee shall not be required to provide a medical certificate for five days of absence in a calendar year. Provided that an employer may require a certificate for absences in excess of three or more consecutive days.
 - 22.1.8** Continuous personal leave with pay shall not be granted to an employee for any period exceeding thirteen weeks unless an agreed registered health practitioner certifies that the leave is necessary.
 - 22.1.9** Where an employee is continuously absent from duty because of personal illness beyond a period of thirteen weeks, the employee shall not be permitted to return to duty until the nominated registered health practitioner certifies fitness to return to duty.
- 22.2** A public holiday observed during any period of personal leave taken by an employee shall not be regarded as part of the personal leave.
- 22.3** Where an employee with accrued personal leave credits becomes ill for not less than five consecutive days while on long service leave or annual leave, on provision of a medical certificate from a registered medical practitioner, the employee shall be entitled to be placed on personal leave in accordance with this clause and no deduction shall be made from the employee's long service leave or annual leave credits for the days in question.
- 22.4** The employer shall recognise the cumulative personal leave credits from the immediate prior employment at any of the following authorities or institutions:
- another Victorian TAFE Institute or University; or
 - a Victorian state primary school or state secondary college; or

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- the Public Service of Victoria; or
- a public entity as defined by section 5 of the Public Administration Act 2004 (Vic.) or its successor.
- any other previous employer as may be agreed between the employee and the employer at the time of the employee's appointment.

22.5 Any claim for recognition of cumulative personal leave must be made within six months of the date of appointment.

22.6 Where an employee has exhausted all paid personal leave entitlements, they are entitled to take unpaid personal leave to care for members of their immediate family or household who are sick and require care and support or who require care due to an unexpected emergency. The employer and employee shall agree on the period. In the absence of agreement, the employee is entitled to take up to 2 days (15.2hrs) of unpaid leave per occasion providing the requirements of sub-clauses 22.1.5 – 22.1.6 are met.

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