

Name of Policy	Leave Without Pay Policy
Description of Policy	This policy covers the provision of Leave without Pay for staff at ACU.
<input type="checkbox"/> New Policy	<input type="checkbox"/> Revision
Description of Revision	<i>Delete</i> <i>Please type brief description of the deletion and specify information to be deleted</i>
	<i>Insert</i> <i>Please type brief description of the insert and specify information to be inserted</i>

Human Resources Directorate

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1 Background Information

This policy has been developed in support of the provisions for leave without pay at ACU.

2 Policy Statement

The University makes available leave without pay as one of a number of flexible, family friendly terms and conditions of employment for staff members. Staff may be granted leave without pay for approved purposes in accordance with the provisions of this policy.

3 Policy Purpose

This policy clarifies the 'appropriate purposes' for which leave without pay may be granted, including the maximum duration and frequency of leave without pay which will normally be approved. The policy also sets out the arrangements applying to superannuation contributions when a staff member proceeds on approved leave without pay.

4 Application of Policy

This policy shall apply to any form of leave without pay, including sick leave without pay, approved by the University, but does not apply to unpaid leave associated with parental leave.

5 Procedures

5.1 Approvals

5.1.1 Staff wishing to apply for leave without pay must apply using normal leave application processes. If appropriate, a staff member may attach a note providing further information in support of the application.

5.1.2 Leave without pay, or any variation or extension to an approved period of leave without pay, must be submitted for approval by the appropriate delegated officer. Information on delegated officers for leave approvals is available in the University Staff Delegations which are published on the Human Resources website.

5.2 Parameters

5.2.1 The maximum single continuous period of leave without pay that will normally be approved is 2 years.

5.2.2 The maximum aggregated amount of leave without pay the University will normally grant to a staff member during the course of her/ his employment with the University is 3 years.

5.2.3 Other than for the purposes outlined in section 5.3, and except where a staff member is on approved sick leave, leave without pay will not normally be granted in the following circumstances:

- where a staff member has an accumulated annual leave and/or long service leave credit;
- where a staff member is on a first or subsequent fixed-term contract, and the term of the contract(s) is less than 3 years; or,
- where a staff member seeks to extend a period of long service leave.

5.3 Appropriate Purposes

5.3.1 Subject to University requirements, leave without pay may be approved for the following purposes:

- where a staff member is required to appear in Court in a capacity other than as a witness on behalf of the University or the Crown;
- where a staff member is a candidate for election to federal, state or local government;
- to observe recognised religious or cultural occasions that are associated with the staff member's religious or cultural background;
- to accompany a spouse on a period of extended overseas or inter-state travel;
- to undertake a program of study as approved by the University;
- where a staff member has exhausted all available personal leave;
- in conjunction with an approved secondment arrangement;
- where a staff member makes an application for annual leave, up to an annual entitlement, and has an insufficient annual leave credit; or,
- to gain relevant work experience of benefit to the University and the staff member.

5.3.2 In addition to the above, the Vice-Chancellor or delegate may approve a request for leave without pay on compassionate grounds if the staff member has exhausted all available personal leave.

5.4 Service Requirements

A staff member must normally have served at least 3 years with the University before being granted leave without pay for a period of 3 months or more, whether continuous or aggregated, in any year. This period of qualifying service need only be met once during a staff member's period of service with the University.

5.5 Notice Requirements

5.5.1 A staff member wishing to apply for leave without pay, except unpaid parental leave, is normally required to provide the University with the following notice:

Period of leave without pay	Minimum notice required
Between 1 day and 2 weeks	2 weeks
More than 2 weeks and less than 3 months	3 months
More than 3 months	6 months

5.5.2 Where leave without pay is approved in conjunction with another form of leave, greater notice may be required.

5.5.3 In appropriate or compassionate circumstances where planning for leave may be beyond the control of the staff member, the approving officer may waive the required notice period set out above.

5.5.4 If a staff member is seeking to extend a period of approved leave without pay, an additional leave application should be submitted in line with the relevant notice period.

5.5.5 If a staff member has been granted leave without pay for sick leave purposes, certification confirming the staff member is fit to resume duty is required before duty is recommenced.

5.6 Superannuation Contributions

5.6.1 Employer and employee superannuation contributions automatically cease for any period of leave without pay.

5.6.2 The staff member may elect to make both the employee and employer superannuation contributions in order to maintain full superannuation contributions. Such an arrangement shall be made by the staff member contacting their superannuation fund directly.

5.7 Leave Without Pay and Annual/Long Service Leave

5.7.1 If a staff member applying for leave without pay has accumulated annual leave and/or long service leave balance to credit, the staff member will be required to take all of her/his annual and/or long service leave prior to taking leave without pay.

5.7.2 Where all personal leave entitlements for which a staff member is eligible have been exhausted, the staff member may request to use part or all of any annual and/or long service leave credit rather than proceed immediately on leave without pay.

5.8 Public and University Holidays

If a staff member is granted leave without pay, and the total period of such leave does not exceed ten consecutive working days, or twelve consecutive working days in the case of shift workers, pay may be allowed for any public or University holidays occurring during such absence.

5.9 Service at ACU

5.9.1 Periods of leave without pay not exceeding 20 days in any year of service, whether continuous or aggregated, shall count as service towards a probationary period, and in determining a staff member's entitlement to leave accrual and OSP.

5.9.2 Periods of leave without pay exceeding 20 working days in any year of service, whether continuous or aggregated, shall not count as service towards a probationary period, and in determining a staff member's entitlement to leave accrual and OSP.

5.9.3 Incremental progression will be deferred by 6 months following the staff member's return from any period of absence on unpaid leave of 6 months or more.

5.10 Leave Without Pay in Excess of 12 Months

5.10.1 Leave without pay for a period of more than 52 weeks or any consecutive periods, including any extension which brings the total period of leave without pay to more than 52 weeks, may be granted subject to the staff member agreeing in writing to:

- becoming unattached from their substantive position at ACU. A copy of the required agreement may be obtained from staff of the Human Resources. The signed agreement must be submitted with the application for leave without pay; and,
- normally returning to a suitable position at their original campus, except in Sydney where they may be required to return to a suitable position at either Mount Saint Mary Campus or MacKillop Campus; or,
- returning to a suitable position at any other campus if one is available and the staff member so requests;

and

- on their ultimate return to duty being placed in an equivalent position at the substantive grade or level held prior to commencement of leave without pay; or,
- if such a position is not available, returning to an available position for which they are qualified and suited, and as far as possible with duties and responsibilities commensurate with those performed prior to taking leave.

5.10.2 In the case of a general staff member, if this is a lower graded position, the staff member will be paid the salary attached to the top incremental step of the lower graded position until such time as a suitable position at their previous substantive grade becomes available, provided this is within 52 weeks of the return to duty. If so placed within this period, the staff member's salary will recommence immediately at the substantive level; or,

- 5.10.3** In the case of a general staff member, if a position at their substantive grade is not identified within 52 weeks of their return to work, they will be offered the position at the lower grade and if accepted, confirmed at that grade and, thereafter, paid at that salary level: or,
- 5.10.4** In the case of either an academic or general staff member, if a position at their substantive grade or level is not identified, the staff member may be offered a severance benefit calculated in accordance with the severance provisions of the relevant enterprise agreement.
- 5.10.5** Any period of leave without pay over 52 weeks shall be regarded as satisfying the notice period required under the relevant enterprise agreement.
- 5.11 Other Employment**
- 5.11.1** A staff member on a period of approved leave without pay may not be employed as a casual or fixed term staff member at ACU during the period of approved leave without pay.
- 5.11.2** A staff member wishing to undertake paid employment outside the University during a period of approved leave without pay must obtain prior written approval in accordance with the University's Staffing Delegations. Such employment must not interfere with the staff member's substantive duties at the University, nor be in direct competition with the University, nor be inappropriate to the University's Mission.
- 5.11.3** Academic staff outside employment must accord with the University policy on Academic Outside Employment and the Code of Conduct for All Staff.

6. Policy Review

The University may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to the Director, Human Resources.

7. Further Assistance

Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further advice be needed, they should contact the Human Resources Consultant responsible for their campus.

Leave Without Pay (LWOP) Agreement

1. Intent of this agreement

The intent of this Agreement is to facilitate the implementation of the provisions of the current ACU Staff Enterprise Agreement and policies with respect to Leave Without Pay for periods of more than 52 weeks or any consecutive periods, including any extension, which brings the total period of Leave Without Pay to more than 52 weeks.

2. Terms of the Agreement

By signing this Agreement, the staff member agrees to the following terms:

- 2.1** Becoming unattached from their substantive position at ACU;
- 2.2** Providing confirmation of her/his interest in returning to work through the provision of 2 months written notice to the Director, Human Resources;
- 2.3** As part of the written notice in 2.2, she/he shall include the date that the staff member wishes to return to work and the fraction at which she/he wishes to return if less than her/his previous fraction;
- 2.4** At the time of provision of written notice she/he will provide to the University a current curriculum vitae to assist and inform placement considerations; and,
- 2.5** Participate in the return to work from unattached in accordance with the Management of Staff Unattached from Substantive Position Policy.

3. Salary and Conditions of Employment Other Than in Agreement

Except as provided by this Agreement, the salary and conditions of employment of the staff member will be those contained in the University Staff Enterprise Agreement, as varied or extended from time to time by any certified agreement applying to the University in respect of employment to the kind undertaken by the staff member.

4. Variations to this Agreement:

This Agreement may be varied at any time during its term, by agreement between the staff member concerned and relevant supervisor, and the approval of the relevant Executive Staff Member.

5. Leave Without Pay Agreement

By signing this Agreement, I acknowledge the following:

- 1.** I have read and understand the applicable Staff Enterprise Agreement provisions and the clauses in the Leave Without Pay Policy and the Management of Staff Unattached from Substantive Position Policy relating to Leave Without Pay.
- 2.** I will confirm my return to work before the conclusion of the approved period of Leave Without Pay by giving a minimum of 2 months written notice to the Director, Human Resources.

Signed:

Name of Staff Member (*please print*): _____

Signature of Staff member: _____ Date: / /

Name of Witness (*please print*): _____

Signature of Witness: _____ Date: / /