

<b>Name of Policy</b>	<b>Interim - Recreational Leave Policy</b>
<b>Description of Policy</b>	This policy covers the provision of Recreational Leave for staff at Australian Catholic University.
<input type="checkbox"/> New Policy	<input type="checkbox"/> Revision
<b>Description of Revision</b>	<i>This Policy has been amended to incorporate the provisions of the National Employment Standards from the Fair Work Act, 2009</i>
	<i>Insert Please type brief description of the insert and specify information to be inserted</i>

### Human Resources Directorate

<b>Policy and Revision Number</b>	
<b>New Effective Date</b>	1 January 2010
<b>Review Due Date</b>	
<b>Revision Effective Date</b>	
<b>Senate Approval Date</b>	
<b>Vice Chancellor's Approval Date</b>	

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## 1. Background Information

This policy has been developed in support of the provisions for the taking of Recreational Leave at Australian Catholic University (ACU).

## 2. Policy Statement

Recreational Leave is the term used at ACU to encompass Annual Leave, Public Holidays and the period covered by the University declared annual shut-down period (University Holidays).

## 3. Policy Purpose and Principles

- 3.1 This policy informs staff members of their entitlement to Recreational Leave and its application at ACU.
- 3.2 The time of taking annual leave will normally be agreed by a staff member and her or his supervisor.
- 3.3 A supervisor must not unreasonably refuse to approve a staff member taking an amount of credited annual leave, subject to the operational needs of the University.
- 3.4 Where a staff member whose annual leave accrual has reached 40 days is directed to take annual leave by the University, the staff member must take a period of annual leave within 26 weeks of the notification of direction.

## 4. Application of Policy

- 4.1 This policy applies to all continuing and fixed term staff of the University.
- 4.2 Staff engaged for a specific fraction of a full-time appointment shall be entitled to paid Recreational Leave on a pro-rata basis relative to that staff member's fraction of employment.
- 4.3 Recreational Leave will consist of:
  - Nine National Public Holidays per annum to be taken on the days they fall due or as gazetted by the relevant State/Territory Government;
    - Christmas Day
    - Boxing Day
    - New Year's Day
    - Australia Day
    - Good Friday
    - Easter Monday
    - ANZAC Day
    - Queen's Birthday
    - Labour Day,
  - One local Public Holiday to be taken on the day gazetted by the relevant state or territory authority
    - Melbourne Cup or Ballarat Cup (VIC)
    - Bank Holiday (NSW) – to be taken in conjunction with the annual shut-down
    - Queensland Show Day (QLD)
    - Canberra Day (ACT)
  - Twenty (20) working days annual leave per annum

- 4.4 Each year the University will declare a period of annual shut-down to be observed during the period between and including Christmas Eve and New Year's Day. Any working day during this period not covered by a gazetted Public or declared holiday will be granted as University Holidays, which are non-cumulative Recreational Leave days.
- 4.5 Staff members will be entitled to Annual Leave on full pay accruing at the rate of 20 working days for each completed year of service from the date of their commencement. Annual Leave will accrue at the rate of 1.66 (recurring), days per month, provided the staff member is not absent on leave which does not count as service under the University's Leave Without Pay Policy and Parental Leave Policy.
- 4.6 Where a staff member makes an application for Annual Leave and she or he has an insufficient Annual Leave balance to cover the period, the period in excess of the current Annual Leave balance may be taken as Leave Without Pay.
- 4.7 Where a Public Holiday occurs during the period a staff member is absent on Annual Leave and such holiday is observed on the relevant campus, no deduction will be made for that day from the Annual Leave credits of the staff member.
- 4.8 Where a staff member is ill or incapacitated for 2 or more consecutive working days while on Annual Leave the staff member will be placed on Personal sick Leave, provided that a medical certificate from a registered health practitioner or a statutory declaration by the staff member is submitted for the period of the illness. No deduction shall be made from Annual Leave credits for the days to which the certificate or declaration relates.
- 4.9 The time of taking Annual Leave will normally be by mutual agreement between the staff member and the supervisor provided that the following principles must be applied:
- the authorising of Annual Leave during a particular period will be subject to the operational and service provision requirements of the particular work unit;
  - Annual Leave will normally be cleared within 52 weeks of the date on which the staff member becomes entitled to such leave;
  - for those staff on fixed-term appointments, all Annual Leave will normally be taken within the period of the appointment, unless the relevant Director/Executive Dean approves a recommendation from the Manager/Head of School that the staff member cannot be released in order to clear part of, or all of, her/his leave during the term of the appointment;
  - each staff member and the nominated supervisor will be responsible for ensuring that a staff member's Annual Leave accumulation remains below 40 days;
  - where direction to take leave as a staff member has reached 40 days is provided by the University, the staff member must take a period of leave as directed and no later than within 26 weeks following notification of direction.
- 4.10 A supervisor must not unreasonably refuse to authorise a staff member to take an amount of credited Annual Leave, subject to the operational needs of the University.

If a staff member and her/his supervisor are unable to agree upon the time of taking of leave, the matter will be referred to the Executive Planning Group member responsible for the unit in which the staff member works.

#### **4.11 Embargo Periods**

The nominated supervisor responsible for a particular organisational unit may, in consultation with staff, identify period(s) during the year during which leave may not normally be taken or may be restricted due to operational reasons.

Staff members should be advised of embargo periods up to six months in advance with one month's notice given of any variations.

#### **4.12 Excessive Accumulation**

4.12.1 A staff member whose employment is regulated by the ACU Staff Enterprise Agreement 2005 – 2008 or by an Australian Workplace Agreement (AWA) approved and lodged prior to 27 March 2006, or by the Educational Services (Post-Secondary Education) Award, 2010:

4.12.2 May accumulate up to a maximum of 40 days Annual Leave, after which time the University may direct the staff member in writing to take up to 10 days annual leave commencing from a specified date. The direction must be given in writing (see pro forma at Attachment 1) and a copy must, at the same time, be provided to the Human Resources Directorate;

#### **4.13 Encashment of Annual Leave**

4.13.1 A staff member whose employment is regulated by an Australian Workplace Agreement approved and lodged on or after 27 March 2006 may elect to forego taking a period of Annual Leave and to receive a cash payment in lieu of some or all of her/his accrued Annual Leave entitlement, subject to the limitations in *the Fair Work Act* (the Act), and to the payment being approved.

4.13.2 The Act requires that any such election must be in writing and that, during each 12 month period, a staff member is not entitled to forego an amount of accrued Annual Leave that would reduce her or his overall balance to less than 20 days annual leave.

4.13.3 Authorisation of payment will be in accordance with section 5 of this Policy. In exercising their discretion, the matters to be taken into consideration by delegated approving officers are to include the possible occupational health and safety effect of the staff member foregoing the taking of a period of Annual Leave, having regard to the pattern and circumstances of leave taken by the staff member during the preceding 12 month period.

4.13.4 Nominated supervisors and delegated approving officers must strictly comply with the prohibition in the Act on either requiring a staff member to forego Annual Leave or exerting undue influence or undue pressure on a staff member in relation to the making of a decision whether or not to forego Annual Leave.

#### **4.14 Purchase of Additional Recreational Leave**

A staff member whose employment is regulated by an AWA may request to take Additional Recreational Leave. The Purchase of Additional Recreation Leave – AWA Policy will apply to any such request.

#### **4.15 Payment of Annual Leave on Termination of Employment**

When a staff member resigns, retires, is dismissed or otherwise terminates from employment, the staff member shall receive payment in lieu of Annual Leave accrued but not taken. In all instances payment in lieu shall be for Annual Leave accrued for each completed year of service plus a pro-rata amount for the current year of service calculated on a daily basis. In the event of termination of employment due to the staff member's death, such payment shall be made to the legal representative of the staff member.

#### **5. Approvals**

An application for Recreational Leave must be submitted for approval of leave by the appropriate delegated officer using the Staff Connect facility. Information on delegated officers for leave authorisation is available in the University Staff Delegations which are published on the Human Resources website.

#### **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 her/his suggestions to the Director, Human Resources.

#### **7. Further Assistance**

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

#### **8. Attachments**

Pro forma letter to direct certain staff who have (or who will shortly have) 40 days annual leave to take some of their excessive annual leave.

**Attachment** – Pro forma letter to direct certain staff who have (or who will shortly have) 40 days annual leave to take some of their excessive annual leave

Date

Dear Staff Member,

University leave records indicate that your accrued annual leave balance has now reached 40 days. Whilst the University is grateful for the dedication shown by its staff, it is important for occupational health and safety and other reasons that staff take their annual leave. Therefore, in line with University policy, I am formally directing you to take 10 days annual leave

[Please select either a) or b)]

- a) which will commence from (insert date) and end on (insert date); OR
- b) at dates which will be confirmed within the next 26 weeks.

Yours sincerely

Nominated Supervisor

Copy To: Human Resources