



# Oakleigh Grammar

<b>Policy Document Name</b>	<b>Staff Leave</b>
<b>Date Ratified by Board of Management</b>	November 2023
<b>Date for Review</b>	August 2026

## 1. Preamble

Oakleigh Grammar employees are entitled to leave in accordance with the provisions of Oakleigh Grammar's Enterprise Agreement 2020.

## 2. Purpose and Scope

This policy is:

- To clarify the employee's entitlements and obligations in relation to leave.
- To ensure continuity of learning is prioritised.

This Policy applies to all staff members.

## 3. Leave Approval Process

Most types of leave require a leave request to be completed and submitted. This can be done by filling in a Staff Leave Form. The leave is to be approved by the supervisor and then the leave request must be approved by the Principal. Once approved, the Staff Leave Form is to be forwarded to the Human Resources Officer for processing.

Unless otherwise agreed, all planned leave (e.g. Annual Leave, Long Service Leave) should be requested and approved prior to taking the leave.

Unplanned Personal Leave requests must be made as soon as possible.

When taking Personal/Carer's Leave, employees (Teachers) should inform the Daily Organiser as early as possible, and in any case, within 24 hours of their usual start time on the first day of leave. Where such leave is to be extended, notice again should be given as early as possible and within one (1) hour of their usual start time.

When taking Personal/Carer's Leave, employees (Non-Teaching Staff) should inform their Supervisor as early as possible, and in any case, within 24 hours of their usual start time on the first day of leave. Where such leave is to be extended, notice again should be given as early as possible and within one (1) hour of their usual start time.

As appointments with Specialists are known in advance it is expected that staff advise the Daily Organiser/Supervisor immediately on confirmation of the appointment. (It is preferable to make special appointments during school holiday periods). It is expected that a Leave Form is completed and submitted to the Daily Organiser/Supervisor with the Medical Certificate, either prior to the appointment or immediately after on your return to work following the appointment.

#### **4. Leave Entitlements**

##### **4.1. Annual Leave**

###### **a. Annual Leave Entitlement and Accrual**

- General Staff employees are entitled to five (5) weeks of annual leave.
- Part-time employees accrue annual leave on a pro-rata basis.
- Annual leave does not accrue for periods of leave without pay.
- An employee who resigns or is terminated for any reason will be paid their accrued annual leave in their final payment.

###### **b. Annual Leave Loading**

- Employees are entitled to an annual leave loading payment which equates to 17.5 per cent.

##### **4.2. Personal Carer's Leave**

###### **a. Personal/Carer's Leave Entitlement and Accrual**

- An Employee, other than a casual Employee, is entitled to a paid personal leave entitlement, which includes both sick leave and carer's leave.
- Paid Personal Leave is taken by an Employee because of a personal illness or injury.
- Paid Carer's Leave is taken by the Employee to provide care or support to a member of the Employee's Immediate Family or a member of the Employee's household, who requires care or support because of personal illness, injury or an unexpected emergency affecting the member.
- An Employee is entitled to 15 days paid personal/carer's leave for each year of service.
- If the Employee has exhausted the paid Personal/Carer's leave entitlement, the Employee may take up to two (2) days of Unpaid Personal/Carer's Leave per permissible occasion. Unpaid Personal/Carer's Leave may be taken as a single, unbroken period of up to two (2) days, or any separate periods as agreed by the Employer and the Employee.

##### **4.3. Long Service Leave**

###### **a. Long Service Leave Entitlement and Accrual**

- An Employee is entitled to thirteen (13) weeks of Long Service Leave upon the completion of ten (10) years of continuous employment. An Employee is entitled to an additional six (6) and a half weeks' Long Service Leave for each additional five (5) years of continuous employment with Oakleigh Grammar.
- After completing seven (7) years of continuous employment, an Employee is entitled to an amount of Long Service Leave equals to  $1/40^{\text{th}}$  of the Employee's period of continuous employment less any period of Long Service Leave taken during that period.

###### **b. Long Service Leave and Illness**

- If an Employee becomes ill or injured during Long Service Leave and has an entitlement to Personal/Carer's Leave, they are entitled to have the periods of illness or injury treated as Personal/Carer's Leave, with Long Service Leave reaccredited to the Employee.
- An Employee should submit an application accompanied by a medical certificate from a Registered Medical Practitioner or a statutory declaration attesting to the illness or injury and the duration of that illness or injury get their Long Service Leave reaccredited.

#### **c. Taking of Long Service Leave**

- The timing of taking Long Service Leave should be negotiated between the Principal and the Employee for mutual advantage.
- For a Teacher, the period of long service leave will usually not be for less than a full term. In special circumstances, an application for a shorter period of long service leave will be considered by the Principal.
- For a General Staff Employee, the period of Long Service Leave should be for not less than one day.
- If an Employee, a Teacher, has not accrued sufficient amount of Long Service Leave to cover a full term, The Principal may grant a period of leave without pay in conjunction with the period of Long Service Leave.
- An Employee who is eligible to access a period of Long Service Leave after seven (7) years of continuous employment may request to access the period of leave at half pay, thereby extending the period of Long Service Leave over a greater period.
- For a Teacher applying to take long service leave, the application must ordinarily be in writing and submitted to the principal no later than 12 months before the requested leave starts.
- Where a General Staff Employee applies to take long service leave, they must provide reasonable notice. The application must be in writing and submitted to the Principal. Where a General Staff Employee is applying to take long service leave for a period more than 2 weeks, they must provide a minimum of six months' notice. Where a General Employee is applying to take long service leave for a period of 2 weeks or less, they must provide a minimum of four weeks' notice. An application for long service leave that falls outside these requirements will only be considered in exceptional circumstances.

### **4.4. Compassionate Leave**

#### **a. Compassionate leave eligibility**

- An employee other than a casual employee may take three (3) days' paid leave per permissible occasion when a member of the Employee's Immediate Family or household dies or when a member of the Employee's Immediate Family or household member develops a personal injury or illness that poses a serious threat to life.
- The leave may be taken in a single unbroken period or in separate period of one day each or as agreed by the Principal and the Employee.
- The Employee is entitled to the leave only if the evidence of the illness, injury or death is given.

### **4.5. Parental Leave**

**a. Unpaid Parental Leave**

- After twelve months' continuous service, an Employee is entitled to a total of 24 months' unpaid parental leave in relation to the birth or adoption of a child in order to be the primary care giver of the child. If an employee takes parental leave as part of an employee couple, the provisions of the FW Act will apply. These provide that parental leave is available for male and female employees.
- An employee will not accrue paid leave entitlements while they are taking unpaid parental leave. An employee is not entitled to payment for personal leave or public holidays during parental leave.

**b. Paid Parental Leave**

- Where an Employee other than a casual Employee is granted unpaid parental leave in accordance with the NES and where the Employee will have the primary responsibility for the care of a child, the Employee is entitled to be paid a parental allowance: equivalent to sixteen (16) weeks' salary at the Employee's ordinary rate of pay, provided that the Employee takes a minimum of 12 weeks' unpaid parental leave commencing at or around the time of the birth of the child; equivalent to sixteen (16) weeks' salary at the Employee's ordinary rate of pay, provided that the Employee takes a minimum of 12 weeks' unpaid parental leave at or around the time of the placement of the child with the Employee.
- The Employee is entitled to accrue annual leave (as defined by the NES), Personal/Carer's Leave and Long Service Leave (in accordance with the Oakleigh Grammar Enterprise Agreement 2020) during the period of time that the Employee is in receipt of the parental allowance.
- An Employee must have a minimum of twelve (12) months of continuous service, if returning from Parental Leave, before being eligible for the payment of a further allowance.

**c. Taking Parental Leave**

- To take parental leave, an employee must complete a leave request form and give it to the Human Resources Officer at least 10 weeks before starting. The School may require evidence, including a medical certificate or a statutory declaration, stating the expected date of birth or the day of placement for adoption.
- At least 4 weeks before the intended date of commencement of parental leave, the employee must confirm with the School the start and end dates of the parental leave.

**d. Working during Parental Leave**

- The School may arrange with the employee up to 10 days' paid work during their parental leave to enable the employee to keep in touch with work and to assist in their return to work after the parental leave period. If the employee is interested in taking up this arrangement, please contact the HR Officer. While the School recognises the value of keeping in touch days, it may not be able to meet the employee's request in all cases.
- Any work on a keeping in touch day will not affect the employee's entitlement to parental leave. The employee cannot request to work a keeping in touch day within the first 2 weeks of birth or placement.

- The employee must not take up any other paid employment during parental leave unless the School approves of the employee doing so.

**e. Varying the Parental Leave period**

- If an employee's approved period of parental leave is less than 12 months (excluding any period of concurrent leave) then the employee may extend their leave for a further period up to the full amount of their entitlement. The employee needs to give the School written notice specifying the new end date for the leave at least 4 weeks before the original end date. The employee can only exercise this right once.
- Even if the employee takes their full 12-month entitlement to parental leave, they may request that the parental leave period to be extended by a further period of up to 12 months. Again, the employee needs to give the School written notice specifying the new end date for the leave at least 4 weeks before the current end date. The School may refuse the request on reasonable business grounds.

**f. End of Parental Leave Period**

- An employee is entitled to return to the position they held before commencing their leave. If that position no longer exists, the employee is entitled to return to an available position at an equivalent level or of similar nature and pay to their former position.

**g. Returning to work under flexible working arrangements**

- An employee may request to return to work under a flexible work arrangement, e.g. part-time or job sharing. This request should be made in writing and should be submitted to the Human Resources Officer no less than 6 weeks before the end date. The request should set out details of the change sought and the reasons for it.
- If a flexible work arrangement is agreed between the School and the employee, it does not result in a permanent variation to the employee's employment contract. The arrangement will be subject to review and may be terminated by either party by giving 2 weeks' notice, in which case the employee will be required to resume their pre-leave role.
- The School may reject a request for a flexible work arrangement on reasonable business grounds. For example, the School may reject a proposed arrangement because:
  - it would not allow the employee to perform their job to a sufficient degree;
  - it would have an adverse impact on the employee's work colleagues to a degree which is unreasonable;
  - it would be too costly for the School or would be likely to result in a significant loss in efficiency or productivity; and/or
  - it would not be feasible or practical.

#### **4.6. Leave without Pay**

An Employee may apply for Leave without Pay which may be granted at the discretion of the Principal.

#### **4.7. Infectious Diseases Leave**

An Employee who is suffering from one of the following infectious diseases will be granted special leave without deduction of pay provided the Principal is satisfied on medical advice that the Employee has contracted the disease through a contact at the School and the disease is evident in the School:

- German measles
- Chickenpox
- Measles
- Mumps
- Scarlet fever
- Whooping cough
- Rheumatic fever
- Hepatitis

#### **4.8. Special Leave**

Employees are entitled to non-cumulative, paid special leave of up to 20 per cent (20%) of an Employee's annual Personal/Carer's Leave.

Special Leave may be assessed:

- To attend the funeral of a person who is not a member of the Employee's Immediate Family or household
- To provide care or support to an Immediate Family or household member experiencing family and domestic violence
- To attend pre-natal appointments associated with pregnancy, fertility treatment, adoption, surrogacy or permanent care orders.

An Employee who is employed on a part-time basis and/or who gives service for less than the full School Year is entitled to pro rata of three (3) days' Special Leave.

An Employee cannot access more than 20 per cent (20%) of the Employee's annual Personal/Carer's Leave entitlement for that School Year as Special Leave.

In order for Special Leave to be granted, an Employee must:

- Request Special Leave in writing and provide the reason for requesting leave
- Make the request not less than 48 hours prior to the proposed commencement time of the leave
- Take Special Leave as a full day or as a half-day

The grant of the Leave is subject to:

- Satisfaction of the application requirements
- The operational requirements of the workplace for that day or half-day.

#### **4.9 Leave for Dealing with Family Domestic Violence**

A full-time employee is entitled to ten (10) additional days of paid leave.

A part-time Employee is entitled to a total of ten (10) additional days of leave comprising paid and unpaid leave. Any additional period of paid leave for a part-time employee will be determined on a pro rata basis based on the part-time employee's ordinary hours of work.

An Employee who provides care or support to an Immediate Family or household member experiencing family or domestic violence may take paid leave under cl.4.8. (Special Leave) of this policy.

## 5. Definitions

**Immediate family** - spouse (including a former spouse, a de facto partner (including a former de facto partner), child, parent, grandparent, grandchild or sibling of the Employee, or

- a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the Employee, where
- a de facto partner means a person who, although not legally married to the Employee, lives with the Employee in a relationship as a couple on a genuine domestic basis (whether the Employee and the person are of the same sex or different sexes); and
- a child means an adopted child, a stepchild or an ex-nuptial child) of the Employee or of the Employee's spouse or de facto partner

**Household** – all persons who reside in the employee's primary place of residence.