



EXCELSIA
COLLEGE
Sydney - Australia

Document Name

ANNUAL LEAVE POLICY AND PROCEDURE

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Policy

To detail the principles related to annual leave for continuing and fixed-term staff and the steps and responsibilities associated with accessing annual leave entitlements for all eligible staff.

Purpose and Scope

Annual leave is designed to give periods of rest and relaxation.

This policy and procedure applies to all eligible staff members employed at Excelsia College. It will be of particular relevance to all continuing and fixed-term staff members employed under the relevant industrial instrument.

Casual staff members are not entitled to paid annual leave.

Definitions

Annual Leave is paid time off work granted by employers to employees to be used for whatever the employee wishes.

Industrial instrument is an instrument that has legal application with respect to minimum entitlements to those employees covered within its scope. It usually is referring to a modern award, enterprise agreement, and any instrument made under the previous workplace relations system. The minimum conditions provided under these instruments apply automatically and cannot be overridden by any other arrangement between the employer and an employee.

NES refers to National Employment Standards. NES apply to all employees covered by the national workplace relations system, regardless of the applicable industrial instrument or contract of employment.

Annual close-down allows an employer to specify if required up to two close-down periods each year, during which the employer will be closing down its operations. For these periods an employer may require an employee to take annual leave subject to the requirement that the employee is given notice as soon as practicable of the employer's intention to close down.

Policy

1. Eligibility and entitlement

The eligibility and entitlement to annual leave is prescribed by the relevant industrial instrument and this policy.

- **Full-time Staff Members**
Full-time staff members will be entitled to accrue 4 weeks annual leave for each 12 months of continuous service (and pro rata for incomplete years).
- **Part-time Staff Members**
Part-time staff members will accrue annual leave on a proportionate basis of the full-time entitlement.
- **Casual Staff Members**
Casual staff members are not entitled to paid annual leave. Their hourly rate will include a loading in lieu of (among other things) annual leave.

- **Payment**

The leave payment will be equal to the ordinary rate of pay that the staff member would have received if they had worked during that period plus annual leave loading as specified in the applicable industrial instrument.

Payment in lieu of untaken annual leave will be made to the:

- staff member on termination of employment; or
- estate of the deceased staff member in respect of death.

2. Taking Annual Leave

Approved annual leave may be taken for periods of one hour or more.

The timing of annual leave will be discussed in advance between the staff member and their supervisor.

An application for annual leave must be submitted to cover the staff member's absence and will normally be requested and approved in advance. A supervisor, however, may approve a retrospective application for annual leave.

Staff members are required to take a minimum of four weeks annual leave (or the full amount of leave credited to the staff member if it is less than four weeks) during the calendar year.

Notwithstanding the above, a staff member may apply to their supervisor to defer taking leave to enable accrual to a maximum of eight weeks. All deferral requests will identify dates of when the leave will be taken.

Approval of annual leave will be at the discretion of a supervisor who will consider the:

- operational requirements of the work area, and
- personal circumstances of the staff member

A supervisor will organise workloads to ensure that each staff member has the opportunity to take annual leave in an unbroken period at a mutually convenient time.

A supervisor will not be unreasonable in refusing an application for annual leave. Where a supervisor declines an application for leave, the supervisor will negotiate an alternative period of annual leave with the staff member.

In certain circumstances, staff members can be asked to take annual leave as per the relevant industrial instrument. An example is during annual close-down period (such as between Christmas and New Year).

Fixed-term Staff Member

Fixed-term staff members, where practicable, are required to take their accrued annual leave prior to the end of their employment contract.

3. Excess Accumulated Leave

Staff members and supervisors will work cooperatively to ensure that annual leave balances are kept to 4 weeks or less.

The College may direct a staff member to take leave if they have accumulated six weeks or more of annual leave. All requests will be with written notice.

Staff members will not be required to reduce their leave balance below 152 hours/four weeks of annual leave.

4. Annual Leave Loading

All payment will be consistent with the applicable industrial instrument.

5. Public Holidays

Public holidays will be paid where they fall within a period of approved annual leave.

6. Compliance and Breaches

The College may commence applicable disciplinary procedures if a person to whom this policy applies breaches this policy (or any of its related procedures).

Responsibility

The following people have a responsibility in relation to this procedure:

- Chief Executive
- Director of Finance and Administration
- Director of People and Culture
- Department Heads
- Supervisors
- Staff Members

Procedure

1. Application for Annual Leave

- **Staff Member**
 - Provide reasonable notice to your supervisor as soon as practicable of the desired period of annual leave.
 - Apply for annual leave (as soon as practicable) by submitting an application via STA-F75 Employee Action Form.
 - Where your supervisor has failed to approve or decline the application within five days of receipt, refer the decision to your supervisor's manager for consideration.
- **Supervisor**
 - Review the annual leave application to ensure accuracy and consistency with the Annual Leave Policy and Procedure.
 - In consultation with the staff member, resolve any problems identified with the application.
 - Consider the operational requirements of the work area and the staff member's personal circumstances prior to approving, declining or referring the leave application.
 - Make a decision about the staff member's leave within five days of receiving the application.
- **Approved**
 - Notify the staff member of the outcome of the leave application.
 - Approve request via STA-F75 Employee Action Form and communicate back to staff member that the leave has been approved.
- **Declined**
 - Communicate to the staff member that the leave has been declined and explain the reasons behind it.
 - Negotiate an alternative annual leave period with the staff member.

2. Absence without Approval

- Where the staff member is absent without approval, contact the staff member directly (via telephone, email or text) without delay.
- Notify HR of such absences immediately and discuss the option of suspending payments pending the resolution of the matter.
- Where an absence is regarded as abandonment of employment or misconduct, contact HR to proceed with the relevant procedure.

3. Excess Accumulated Leave

- **Director of People and Culture**

Compile a report on a quarterly basis identifying staff members (by Faculty/Office) who have, or are likely to exceed, 152 hours/4 weeks (pro-rata for part-time staff members) of accrued annual leave.

Forward the report to the Chief Executive/Director of Finance and Administration.

Notify the staff member's supervisor of excess annual leave accruals for their staff member. Where a staff member has accrued a total of 228 hours/six weeks of annual leave (pro-rata for part-time staff members) or more, you may, with 3 months written notice, direct the staff member to take annual leave. However, the direction will not require a staff member to reduce their balance below 152 hours/four weeks unless otherwise agreed by the staff member.

- **Supervisor**

Notify the staff member of excess annual leave accruals in writing.

Discuss with staff member best time to take annual leave.

Staff member's Supervisor to advise The Director of People and Culture of the amount of annual leave to be deducted and the date of when the adjustment is to be made through the STA-F75 Employee Action Form.

Supervisor discusses exceptions for staff member to clear excess annual leave with written notice.

- **Exceptions**

The Director of People and Culture will discuss exceptions with the Chief Executive/ Director of Finance and Administration and report back to the Supervisor with specific actions.

References and Related Documents

Salaries and Wages Policy and Procedure

Employee Action Form

National Employment Standards (NES)

Fair Work Ombudsman

Educational Services (Post-Secondary Education) Award 2010

Macquarie University Annual Leave Policy and Procedure