

LEAVE POLICY

Version	3.00	Number of pages	12
Responsible officer	Chief Administrative Officer		
Contact	hr@morling.edu.au		
Approving Authority	Morling College Board		
Keywords	Leave; Staff; HR; Employee; Annual Leave; Long Service Leave; LSL; Parental Leave; TOIL; Jury Duty		
Access level <i>Select from the drop-down menu</i>	Public		
Dissemination Range	Staff		
Approval date	April 2023		
Effective date	April 2023		
Review date	April 2026		
Superseded documents			
Compliance References	National Employment Standards		
Document classification <i>Select from the drop-down menu</i>	Human Resources		

1. PURPOSE

Morling College (MC) recognises the importance of leave for employees to take rest and relaxation time and to attend to unexpected situations that arise outside of work.

MC will accommodate these needs in an effective way and is committed to providing flexible access to leave. MC is committed to ensuring all employees receive leave entitlements consistent with legislation and industrial agreements/awards.

The final section of this policy (5.14) is the only relevant point (or leave provision) for those engaged as an independent contractor or on a casual basis.

2. DEFINITIONS

The following definitions apply for the purpose of this policy:

Key Term or Acronym	Definition
Casual Staff	Engaged occasionally and irregularly. They are paid according to the hours they are rostered to work
CAdO	Chief Administrative Officer
Close relative	<ul style="list-style-type: none"> • An employee's: <ul style="list-style-type: none"> ○ spouse or former spouse ○ de facto partner or former de facto partner ○ child ○ parent ○ grandparent

	<ul style="list-style-type: none"> ○ grandchild ○ sibling ● An employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or ● A person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.
Emergency management body	A body that has a role in a Federal, State or Territory plan for coping with emergencies and disasters, or a fire fighting, civil defence or rescue body, or any other body involving responding to an emergency or natural disaster. This includes the State Emergency Service (SES), Country Fire Authority (CFA) or Royal Society for the Prevention of Cruelty to Animals (RSPCA).
Employee	A person who works for MC and are part of MC.
Employment Hero	Digital human resource management software used by Morling where all leave is applied for and recorded.
Family and domestic violence	Violent, threatening, or other abusive behaviour by an employee's close relative, household member, or current or former intimate partner, that seeks to coerce or control the employee; and/or causes them harm or fear.
Full Time Employee	Ongoing employment for 38 hours per week or 76 hours per fortnight
HR	Human Resources department
Household member	Any person who lives with the employee
Immediate family member	An employee's: <ul style="list-style-type: none"> ● spouse or former spouse ● de facto partner or former de facto partner ● child ● parent ● grandparent ● grandchild ● sibling ● child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner) ● step-relations (e.g, step-parents and step-children) ● adoptive relations
Independent Contractor	Independent contractors provide services to MC, under a written contract or service agreement, from their own business. They do not work regularly for MC, but work as required to carry out certain tasks.
Industrial Instrument	An instrument that has legal application with respect to minimum entitlements to those employees covered within its scope. It is usually 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 employee.
MC	Morling College
NES	Refers to the National Employment Standards. NES applies to all employees covered by the national workplace relations system, regardless of the applicable industrial instrument or contract of employment
NSW	New South Wales
Ordinary Rate of Pay	The rate paid to an employee based on the annual salary and stipend but not allowances or reimbursements or other extra payments such as overtime or penalty rates
Part Time Employee	Ongoing employment for less than 38 hours per week or 76 hours per fortnight
WA	Western Australia

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4. SCOPE

This policy applies across all Morling College staff. This policy applies to all MC full-time and part-time academic and administrative staff.

5. PRINCIPLES

5.1 Annual Leave

MC believes that every employee needs and benefits from recreational breaks within a twelve-month period. All employees are expected to take leave in accordance with this policy and must minimise the accrual of annual leave from year to year.

5.1.1 Entitlement to Annual Leave

All full time and part time employees are entitled to four (4) weeks annual leave per 12 months service completed. Part time annual leave is pro rata based on ordinary hours worked. Casual employees and contractors are not entitled to annual leave.

Annual leave accrues on a fortnightly basis according to the ordinary hours worked. Annual leave accrues during any paid leave granted by MC and does not accrue whilst the employee is on any unpaid leave.

The MC Board has agreed that the workdays between Christmas Day and New Years' Day are granted as annual leave additional to accrued annual leave, while MC is closed. Full time and part time employees will be paid for their usual workdays during this period unless they have accrued more than 8 weeks of annual leave, in which case the three days will be deducted from their leave balance. This additional leave does not accrue or attract leave loading.

5.1.2 Negative Leave Balance

Negative leave is when an employee is taking more annual leave than their accrued leave entitlement. Employees are entitled to a maximum of one (1) week of negative leave. Any additional leave request will require grandparent manager written approval.

If an employee is terminated and their annual leave balance is negative, MC may deduct from any payment due to the employee on termination the amount equal to the value of negative leave and if not adequate will require the employee to pay any amounts owing.

5.1.3 Planning Annual Leave

Managers are responsible for planning and ensuring that leave is taken according to the requirements of their department. The employee should discuss with their supervisor/manager their leave availability, timing of leave and the work- cover available for that period.

Annual leave should generally be taken outside the lecture programs for academic staff and outside of key recruitment times for student services staff involved in enrolment.

Approved annual leave may be taken for periods of one (1) hour or more.

Leave applications for the calendar year should normally be submitted by 31 March. Leave applications for January to April of the following calendar year should normally be submitted by 30 September.

Where an employee has accrued a total annual leave balance in excess of eight (8) weeks (pro rata), MC will begin a management plan to reduce this balance.

5.2 Community Services Leave (including Jury Duty)

MC is committed to supporting employees who may be required to participate in eligible community service activities, such as:

- jury service (including attendance for jury selection) that is required by or under a law of the Commonwealth, a State or a Territory; and
- a voluntary emergency management activity.

5.2.1 Jury Duty (Jury Service)

An employee is entitled to leave for jury service that they have been called to by a court. In cases where an employee cannot readily leave their work (e.g. teaching a class), an application will be made for an exemption from jury service.

MC will fulfil leave and payment obligations to NSW employees according to the Jury Act 1977 (NSW) and the Jury Amendment Act 2010 (NSW), including:

- Full time or part time employees will receive “make up pay” for the first ten (10) days they are absent for jury service. This is paid as the difference between any jury service money the employee receives and their ordinary rate of pay for the hours they would have worked, excludes loadings.
- Where the duration of jury service exceeds ten (10) days, MC will assist the employee as far as reasonably practical to maintain their regular income.

MC will fulfil leave and payment obligations to WA employees according to the Juries Act 1957 (WA) and Juries Regulations 2008 (WA), including maintaining that employee’s ordinary rate of pay for the duration of jury service.

MC will fulfil jury service leave and payment obligations to employees of other states according to relevant state legislation.

When called for jury service, employees are expected to report back to work on any day in which the employee is not required to serve or not required to report at all.

5.2.2 Volunteer Emergency Management

Voluntary emergency management activity is unpaid work for a recognised emergency management body that involves dealing with an emergency or natural disaster. The employee is required to be a member of the emergency management body and have been requested by the body to engage in the activity, in order to be eligible for this leave.

The employee is entitled to be absent from work on unpaid community services leave for the time of the eligible activity, including reasonable travelling time to the activity and reasonable rest time following the activity. There is no set limit on the amount of leave an employee is entitled to if the absence is reasonable in all the circumstances.

5.3 Compassionate Leave

MC recognises that employees, at the time a death occurs within their immediate family or household, may need time away from work to attend funerals and spend time with their family. Further, compassionate leave is available where a member of the employee's immediate family or household has an illness or injury that poses a serious threat to their life.

5.3.1 Entitlement to Compassionate Leave

All full time and part time employees are entitled to two (2) days of paid compassionate leave for each unique occasion. This can be taken as a single unbroken period, two separate days or any other separate periods agreed between the manager/supervisor and the employee.

5.4 Defence Forces Leave

Employees, who are members of Military Services, or in one of the armed forces Reserve Units, may need to take unpaid leave when they are required to attend military training.

5.4.1 Entitlement for Defence Forces Leave

Full time and part time employees who are Military Reservists are entitled to up two (2) weeks' leave per year to attend Defence Force Reserve training required for their reserve role.

Employees may voluntarily elect to use annual leave or LSL, but are not required to.

5.5 Extended Paid Leave

With the exclusion of parental leave, periods of paid leave greater than two (2) months will require prior approval from the Principal.

5.6 Leave to Attend Court

If an employee is called as a witness in court proceedings as a witness on behalf of MC, the time spent is classed as duty and the employee will be paid for time attended at court.

Attending court for other reasons, including appearing as a defendant or plaintiff, should be taken from the employee's accrued leave, such as annual leave or LSL. Only if these are exhausted will LWOP (Leave Without Pay) be considered.

5.7 Family and Domestic Violence Leave

Family and domestic violence leave is a nationally legislated entitlement.

5.7.1 Entitlement to Family and Domestic Violence Leave

All employees (including full-time, part-time and casual employees) are entitled to ten (10) days paid family and domestic violence leave each year. This leave renews annually but does not accrue or roll over year-to-year.

Employees can take the leave if they need to do something to deal with the impact of family and domestic violence and it is impractical to do so outside their ordinary hours of work.

5.8 Leave Without Pay

Leave without pay (LWOP) is an unpaid leave of absence from work which is granted at MC's discretion. LWOP is not an entitlement and will be considered on the merit of each application.

5.9 Long Service Leave (LSL)

Long Service Leave is a statutory entitlement for long standing employees. It provides employees with extended leave to renew their energies, rewards long and faithful service with an employer.

5.9.1 Entitlement to Long Service Leave

All employees in NSW are entitled to two (2) months (8.667 weeks) LSL on ordinary pay after ten (10) continuous years of service with the same employer.

- Further LSL of one (1) month accrues after each 5 years of continuous service. Beyond ten (10) years, this is accumulated on a pro-rata basis.
- Employees moving from full time to part time employment will have LSL entitlements based on their actual accrued long service leave hours.
- Employees moving from part time to full time employment will have their LSL entitlements calculated in accordance with the legislative requirement, which is the average hours of employment over the previous twelve (12) months or five (5) years, whichever is the greater.

All employees in WA are entitled to 8.667 weeks of LSL on ordinary pay after ten (10) years of continuous employment with the same employer.

- All employees in WA are entitled to 4.333 weeks of LSL on ordinary pay for every five (5) years of continuous employment with the same employer after the initial ten (10) years.

MC will fulfil LSL obligations to employees of other states according to relevant state legislation.

If a public holiday occurs during a period of long service leave taken by an employee; and the employee is otherwise entitled to that holiday under the employee's conditions of employment, the period of LSL is increased by one day for each such public holiday.

Employees accessing LSL from MC cannot engage in paid employment in substitution. If an employee does work, this may result in them forfeiting their right to long service leave, enabling MC to withhold any further leave payments and to reclaim any wages paid for the period of LSL already taken.

Where an employee has one or more jobs other than that with MC before accessing LSL from MC, generally the employee may continue working in their other job or jobs, as this employment is not in substitution for the job for which they are taking LSL.

5.9.2 Payment of Long Service Leave

Where an employee eligible for LSL ceases employment due to illness, incapacity or retrenchment, there may be an entitlement to pro rata payment of LSL. Employees need to apply for this in writing to the Chief Administrative Officer (CAoO).

On retirement from MC employment, employees will be paid their accumulated LSL entitlement as a lump sum. Employees with less than ten (10) years' service are not automatically entitled to an LSL payout.

5.10 Personal Leave (Sick and Carer's Leave)

All full-time and part-time employees are entitled to paid personal leave when the employee is unable to attend work due to personal illness or injury (which does not relate to a worker's compensation claim or any other insurance claim), or to care for an immediate family member or household member because of illness or injury or an emergency affecting the member (also see 5.3 Compassionate Leave).

An employee taking personal leave of more than two (2) consecutive days or any leave immediately preceding or following a public holiday or annual leave must provide a medical certificate or statutory declaration, certifying a reasonable description of the nature of the leave, upon return to work.

The supervisor/manager is responsible for ensuring the medical certificate is uploaded to the employees file in Employment Hero.

5.10.1 Entitlement to Paid Personal Leave

Full time and part time employees are entitled to ten (10) days per year of paid personal leave; pro-rata for part-time employees. Casual employees are not entitled to paid personal leave.

Personal leave is available immediately upon employment and accrues from year to year. It cannot be cashed out at any time, including upon termination.

If a staff member works less than 0.7FTE then AL must be used for medical appointments that cannot be scheduled outside of work hours. If an employee works more than 0.7FTE then the use of personal leave for medical appointments that cannot be booked outside of work hours is at the managers discretion.

5.10.2 Sick Leave

Employees may take paid sick leave if they are unfit for work because of their own personal injury or illness.

In the event of recurrent absences or performance management, MC may require a medical certificate for all absences. Employees will be notified of such an ongoing requirement in writing as part of the performance management process.

5.10.3 Carer's Leave

Employees may take paid carer's leave to provide care or support to an immediate family or household member because of a personal illness, injury or emergency affecting the member.

If an employee becomes a grandparent, they may access one (1) day of carer's leave at the time of their grandchild's birth to assist their family. Proof of a grandchild's birth details may be required for this leave.

Where there is a natural disaster (e.g., flooding or bush fires) which poses a genuine threat to an employee's property or prevents the employee from attending work, a full-time employee may access up to three (3) days personal leave per calendar year (pro-rata for a part time employee) non-cumulative, paid at the ordinary time earnings rate.

5.11 Parental Leave

Parental leave is granted in accordance with relevant legislation and regulation. Parental leave is to assist employees in balancing their family responsibilities while retaining the services of valued employees.

5.11.1 Entitlement for Parental Leave

All employees (including casual employees) are eligible for parental leave if they have 12 months of continuous service with MC, unless otherwise stated in the relevant regulation, prior to either the expected date of birth, if the employee is pregnant, or the expected date of commencement of parental leave.

Up to 12 months (52 weeks) of parental leave is available to employees in relation to their newly born or newly adopted child. Applications to extend parental leave will be considered on a case-by-case basis. Approval by the CAdO or Principal is required.

No leave entitlements will accrue during parental leave.

A female employee may commence parental leave at any time within six (6) weeks of the expected date of birth. Where she continues to work within that period, she may be required to provide a medical certificate stating that she is fit to work.

Upon return from parental leave, an employee may make application to work part time hours for up to six (6) months, subject to operational requirements. At the conclusion of six (6) months the employee will be expected to resume original contracted hours. or by mutual agreement new contracted hours may be negotiated.

The employee is entitled to return to the position they held immediately before the start of parental leave or a position that has the same terms and conditions of employment as the former position.

The employee may extend parental leave after the entitled 12 months, provided 14 days' written notice is given to MC. Any variation after the 12-month period is at MC's discretion and MC must be given at least four (4) weeks' notice.

5.11.2 Pregnant Employees

An employee may take unpaid special maternity leave if they are eligible for parental leave, and they have a pregnancy-related illness or a miscarriage. The employee is required to submit a medical certificate indicating the special circumstances and the length of leave required.

Regardless of parental leave eligibility, if a registered medical practitioner deems an employee unable to continue in her present position because of illness or risks arising out of her pregnancy or hazards connected with that position, she may transfer to a safe job with no other change to her terms and conditions of employment. If there is no appropriate safe job available, the employee will be entitled to either paid or unpaid no safe job leave, according to legislation. The employee is required to submit a medical certificate detailing why the employee can't perform their usual job, and the how long this will be the case.

In either circumstance, the pregnant employee may opt to take any accrued paid leave until the period stated in the medical certificate.

5.11.3 Government Paid Parental Leave

Eligible employees can access the Australian Government Paid Parental Leave Scheme, in accordance with paid parental leave legislation and regulation.

Additional information regarding parental leave can be found at <https://www.fairwork.gov.au/leave/maternity-and-parental-leave>

5.11.4 Morling Paid Paternity Leave

Morling will pay 2 weeks paid paternity leave at the applicant's normal salary rate. Applications made in consultation with your manager. The leave can be taken any time within 12 months of the birth of the child.

5.11.5 Morling Paid Maternity Leave

Morling will pay 5 weeks maternity leave at the applicant's normal salary rate. Applications made in consultation with your manager. This can also be taken as half pay for 10 weeks.

5.12 Time off in Lieu (TOIL)

Time Off In Lieu (TOIL) is when an employee works pre-approved overtime and receives compensatory time off instead of a payment. This is not flexi time.

Overtime can be worked if an employee is required by their manager to work beyond their ordinary working hours, and this is approved prior to the work being undertaken. The approval can be provided by an exchange of emails between employee and manager, or by other electronic means.

Once the overtime has been worked, Section 19.5 of the Educational Services (Post-Secondary) Award required a written agreement that sets out the parameters of TOIL of overtime. This will be implemented via a Smartsheet form.

5.12.1 Using TOIL

TOIL must be taken within 6 months of the overtime being worked at time(s) agreed by employee and MC.

If TOIL is not taken within 6 months, MC will pay the employee for the overtime, in the next pay period following those 6 months, at the overtime rate applicable to the overtime when worked.

If, on the termination of the employee's employment, TOIL has not been taken, MC will pay the employee for the overtime at the overtime rate applicable when worked.

5.12.2 Payment instead of TOIL

If an employee chooses to receive payment for overtime instead of TOIL, the employee will need to enter a request in writing to their manager. MC will pay the employee for any accrued and untaken TOIL at the overtime rate applicable when overtime was worked.

Agreed payment will be made in the next pay period following the employee's request.

5.12.3 Maximum TOIL

Employees can accrue a maximum of 17.5 hours of TOIL. Once the limit is reached, the employee is required to take the TOIL before accumulating any further TOIL.

5.13 Study Leave

Refer to the *Professional Development Policy: Academic Staff* and the *Professional Development Policy: General Staff*.

5.14 Absence without Approval

Where an employee is absent without approval, the supervisor/manager must contact the employee directly (via telephone, email or text) in a timely manner.

The CAoD should be notified of such absences in order to discuss the various options to be followed.

6. RELATED DOCUMENTS AND LEGISLATION

Internal

- Professional Development Policy: Academic Staff
- Professional Development Policy: General Staff

External

- Education Services (Post-Secondary Education) Award
- Fair Work Act 2009 (Cth)
- Juries Act 1957 (WA)
- Juries Regulations 2008 (WA)
- Jury Act 1977 (NSW)
- Jury Amendment Act 2010 (NSW)
- Long Service Leave Act 1955 (NSW)
- Long Service Leave Act 1958 (WA)
- Paid Parental Leave Act 2010

7. REFERENCES

Nil

8. VERSION HISTORY

Version	Approved by	Approval Date	Effective Date	Changes made
3.00	MC Board	3 April 2023	3 April 2023	Policy updated to current legislative and regulative requirements; updated to include WA employees and associated legislation and regulation; major modification of the parental leave section; major update to community services section; major update to domestic violence leave; replaced references to COO with CAAdO; minor sentence and grammar updates throughout.
2.00	MC Board	22 November 2022	22 November 2022	Addition of TOIL and Family and Domestic Violence Leave, Revision of LSL and addition of WA, review of parental Leave wording; accommodated the new HR system of Employment Hero;
1.1	MC Board	February 2020	February 2020	Updated
1.0	MC Board	May 2018	May 2018	

Download this policy anew with each use, as it may have changed.