

5.23	ANNUAL LEAVE and LEAVE WITHOUT PAY
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Applies to: All Staff
Specific responsibility: HECIS Co-Ordinator

Version: 1
Date approved: 24.5.2016
Next review date: Aug 21

Policy context: This policy relates to	
Standards or other external requirements	National Employment Standards, Fair Work Act 2009
Legislation or other requirements	<ul style="list-style-type: none"> • Educational Services (Teachers) Award • Children’s Services Award • Clerks – Private Sector Award 2010 • Social, Community, Home Care & Disability Services Industry Award (SCHCADS) • Health Professionals and Support Services Award 2010
Contractual obligations	

POLICY STATEMENT

This policy details the principles related to annual leave for staff and the steps and responsibilities associated with accessing annual leave entitlements for all eligible staff.

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

This policy and procedures applies to all eligible staff members employed at HECIS employed under the relative industrial instrument.

Casual staff members are not entitled to paid annual leave.

The **HECIS Co-Ordinator** or **Office Manager** is delegated to be the supervisor of staff for this policy, with the exception of the HECIS Co-ordinator whose supervisor will be the HECIS President.

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 a 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 employee.*

***NES** refers to 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.*

***Annual close-down** allows an employer to specify if required up to two close-down periods each year, during which the employer will close 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

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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 to death

2. Taking Annual leave

Approved annual leave may be taken for periods of one workday or more (usual ordinary workday hours for part-time staff).

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. The supervisor, however, may approve a retrospective application for annual leave.

Staff 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 the supervisor who will consider the:

- operational requirements of the service, and
- personal circumstances of the staff member

The 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.

The 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).

3. Excess Accumulated Leave

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

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HECIS may direct a staff member to take leave if they have accumulated six weeks or more of annual leave.

Staff members will not be required to reduce their leave balance below four weeks (pro rate for part-time staff) of annual leave (excepting for the annual shut down period).

4. Annual Leave Loading

All payments 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. Leave without pay

All employees may request Leave Without pay for staff who wish/need to take an absence from HECIS and have insufficient annual leave or other leave accrual to do so.

A request for leave without pay must be made on the *HECIS Annual leave/long service leave application form*.

Approval of leave without pay is at the discretion of the supervisor.

PROCEDURES

1. Application for Annual leave or Leave without pay

- **Staff member**
Provide **one month's** notice to your supervisor of the desired period of leave.
The supervisor will consider applications of less than one month's notice in some instances, considering the staff member's personal circumstances.
Submit a leave application form (*HECIS Annual leave/long service leave application form*).
- **Supervisor**
Review the leave application form to ensure accuracy and consistency with the Annual Leave/Leave Without Pay Policy and Procedure, and in consultation with the staff member, resolve any problems identified with the application.
Consider the operational requirements of the service and the staff member's personal circumstances prior to approving or declining 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 application.
Approve the request by completion of the leave application form.
- **Declined**
Communicate to the staff member that the leave has been declined and explain the reasons behind it.
Negotiate an alternative 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.

Where an absence is regarded as abandonment of employment or misconduct, proceed with the relevant procedure.

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3. Excess Accumulated leave

- **Office Manager**

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

Include this information in the HECIS Co-Ordinators report prepared for each management committee general meeting.

- **Supervisor**

Notify the staff member of excess annual leave accruals.

Discuss with staff member best time to take annual leave.

DOCUMENTATION

Documents related to this policy	
Related policies	
Forms, record keeping or other organisational documents	HECIS Annual leave/long service leave application form

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Annually	HECIS Co-Ordinator	Management Committee

Policy review and version tracking			
Review	Date Approved	Signed	Next Review Due
1	14.8.17	HECIS Co-Ordinator	Aug 2018
2	3.9.18	HECIS CoOrdinator	Aug 2019
3	20.8.19	HECIS CoOrdinator	Aug 2020
4	15.9.20	HECIS CoOrdinator	Aug 2021

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