Rationale:

Leave of all forms for teaching and non-teaching staff is processed at the school level following DET guidelines. This document outlines some of the different types of leave available and application processes. These procedures will be adhered to in all but exceptional circumstances. Leave is granted at the discretion of the Principal in light of this policy. The Principal will have the ultimate responsibility for the granting of leave.

The key criteria to be considered in the granting of leave will be:

- The needs of the students and their programs
- The entitlements of the staff
- Duration and type of leave
- Time of the school year during which leave is requested
- The ability of the school to replace staff on leave
- Date of last approved leave, and length of leave taken.

Goals:

- To ensure all staff are aware of their leave entitlements and responsibilities when applying for leave.
- To ensure all staff are aware of the Principal’s obligation to maintain an optimal learning environment for all students and an equitable working environment for all staff.

Guidelines:

- An application for leave does not mean an automatic granting of leave. An objective, professional and compassionate approach, using these guidelines on a case-by-case process, will be used
- It is important to point out that is it often extremely difficult to find replacement staff for short periods of leave or at certain points during the school year. The curriculum program for students must be the prime consideration.
- Staff members intending to undertake leave in the following year, in most circumstances, will not be allocated to teach a VCE subject in the year of their leave.
- In general, the earlier a request is made and the longer the period of leave, the greater the chance of being granted leave. For extended periods of leave a minimum of two terms notice is required.

Types of Leave:

Common Types of Leave Requests

Long Service Leave:

An employee is entitled to three months of long service leave (LSL) after ten years of full time eligible service, and one and a half calendar months of LSL for each five years of full time eligible service thereafter. An employee may, however, access his or her LSL entitlement on a pro-rata basis after seven years of eligible service. Long service leave is accrued in hours, according to the time fraction worked by the employee during approved service. Leave is also taken at the time fraction currently worked by the employee.

Some key points:

- An employee may access some or all of their LSL entitlement during a period of unpaid parental absence.
- Education support class employees are expected to use accrued annual leave and additional paid leave during school vacation periods unless otherwise approved, therefore LSL is not generally approved during school vacation periods.
- On cessation of employment an employee may be entitled to payment in lieu of LSL.
- Public holidays which occur during a period of LSL will not form part of the leave.
- When LSL is taken alongside a school vacation period the leave is not counted as part of the LSL.
- With the exception of education support class employees, where a school vacation period occurs during a period of LSL, the school vacation will form part of the LSL.

Leave Without Pay:

Staff may be granted leave without pay for periods of up to twelve months for a range of reasons including:

- Family reasons
- Study or training
- Employment, including self-employment
- Travel
- Participate in, officiate at and/or train for sporting events
- Undertaking voluntary work, including participation in community and international aid programs
- Any other reason considered appropriate by the delegate.

Some key points:

- Principal and teacher class employees are not entitled to payment during any school holiday periods that fall within a period of approved leave without pay.
- Employees are not entitled to payment for any public holiday that falls within a period of approved leave without pay (including personal leave without pay).
- Leave without pay will not be granted for more than two years in total by Maryborough Education Centre.

Leave without Pay applications must be forwarded in the same manner as for Long Service Leave.

Personal Leave:

Personal leave is available to an employee when he or she is absent due to personal illness or injury; or to care for an immediate family or household member who is ill or injured and requires the employee's care or support or who requires care or support due to an unexpected emergency.

Generally, two employees would not be granted personal leave (carer’s) to provide care for the same person at the same time.

Up to 5 days sick leave without a medical certificate can be taken in any one year. Sick leave with or without a medical certificate reduces accumulated sick leave. The total amount of personal leave a full time staff member is allocated in one year is 114 hours. This is calculated on a pro-rata basis for part-time staff.
Some key points:

- A medical certificate must be provided for personal leave:
  - of three days or more
  - which occurs either immediately before and/or after a period of long service leave, school vacation or public holiday
  - that occurs on a day of stop work action authorised by a relevant union
  - where there is doubt as to the authenticity of the reason for absence.

Where a required document is provided for personal leave (carer’s) it must state that the person requiring care and support is suffering from an illness which requires care by another or requires care or support due to an unexpected emergency.

Parental Absence

Parental absence entitles staff to be absent from duty for up to a total of seven years following, or in conjunction with, the birth of one or more children or becoming the legal parent of one or more children. The seven years in total may comprise of the following forms of leave:

- Maternity leave
- Other paid parental leave
- Partner Leave
- Long service leave
- Family leave without pay being that portion of a parental absence not covered by paid leave.

Some key points:

- Unless otherwise approved by the Secretary, an employee who is pregnant is required to absent herself from duty for the period:
  - six weeks before the expected date of birth until six weeks after the actual date of birth
  - or six weeks from the actual date of birth where this occurs before the expected date of birth.


Maternity Leave

Maternity Leave entitles staff to be absent from duty with or without pay for a continuous period of fourteen weeks commencing from the date the employee absented herself as indicated above.

Some key points:

- An employee is eligible for paid maternity leave if she has had 26 or more weeks qualifying service within the 52 weeks immediately preceding the date the employee absented herself from duty.
- The time fraction which she was working immediately before commencing maternity leave; or the time fraction immediately prior to commencing long service leave.
Leave to Attend an Interview

A teacher is entitled to be released from duty for the period required to attend an interview for an advertised position in a Victorian Government school. Education Support staff may apply for consideration of leave to attend an interview for an advertised position in a Victorian Government School. The granting of the leave will be at the discretion of the Principal.

Some key points:

- The principal of the school that has the vacancy and the teacher will take all reasonable steps to ensure the timing of the interview occurs at a time that avoids or minimises the need to provide a replacement employee during the period of release.

Graduation Leave

Paid leave may be granted to an employee to attend graduation or conferring ceremonies when they have qualified for degrees or diplomas from a University. The period of leave granted should take into account the time of the ceremony and travel requirements. Leave may be granted for the full day under most circumstances.

Some key points:


Time in Lieu Education Support Class Employee:

An education support class employee is entitled to time off in lieu where he or she is required to work in excess of his or her normal hours of duty. Time off in lieu is equivalent to the additional time worked and must be documented by the principal or delegate. An education support class employee who is directed to work in excess of his or her normal hours of duty may request not to do so where this would unreasonably affect personal or family commitments and the principal will not unreasonably refuse such a request.

The time at which time off in lieu is granted is at the discretion of the principal having regard to the operational needs of the school and the wishes of the employee. Time off in lieu may be granted on any day other than a day of approved leave.

Please note: days of approved leave are:

- which occurs either immediately before and/or after a period of long service leave, school vacation or public holiday
- that occurs on a day of stop work action authorised by a relevant union.

Some key points:

- Education Support staff on a contract, and who have been advised that the contract is not being renewed – Maryborough Education Centre will ensure that remuneration of either time or payment is considered prior to termination.
- Time in Lieu will not be granted for extracurricular activities on weekends and Public Holidays. Payment must be allowed for by the program coordinator and the rate of payment in these circumstances is normal rate of pay.
- An Education Support staff application to work additional time must be requested to work a minimum of 30 minutes and then in 15 minute increments.
• Education Support staff who choose to attend an overnight camp will have Time in Lieu granted according to the individual’s normal daily working hours. E.g. Teacher Assistant daily hours = 5.75 hours therefore TIL granted for 5.75 hours for each overnight stay.
• Time in Lieu for school day excursions to be calculated by the Business Manager/Principal according to individual time fraction prior to activity and confirmed return time, post activity.
• It is the responsibility of each individual staff member to get the appropriate form (ES Application to take Time in Lieu and ES Application to work additional hours), signed by the appropriate manager according to the timelines – 48 hours notice prior to work additional hours.
• It is the responsibility of the individual staff member to submit signed forms to the Human Resources Office in Majorca Pod within timeline.
• If Education Support staff members choose to attend professional learning during hours they are not normally employed there will be no entitlement to Time in Lieu.
• If Education Support staff are required to attend professional learning (compulsory) outside normal working hours, the professional learning and travel time to attend the Learning will be included as Time in Lieu.

**Time in Lieu for teaching staff**

Where attendance at a parent-teacher report meeting results in a teacher’s attendance in that week exceeding 38 hours, that teacher will be granted time-in-lieu for the hours in excess of 38. Time-in-lieu may be granted in that week or any other week of the school year and is to be granted at a time that causes least disruption to the educational program of the school.

Variation of a teacher’s attendance under the above subclause is subject to the teacher providing the Principal, with not less than three working days’ notice.

**Applications for Leave**

Applications for leave are made using Employee Self Service (ESS) [http://www.education.vic.gov.au/hrweb/Pages/resources/eduPay.aspx](http://www.education.vic.gov.au/hrweb/Pages/resources/eduPay.aspx)

An application for leave will need to be made in writing and processed manually at the school where an employee:
• is unable to access or use ESS; or
• wishes to amend/delete leave already entered on eduPay.

Steps for manual processing:
1. An application for LSL must be in writing, specifying the start and end dates, and whether the leave is on full pay or half pay.
2. Check the employee’s leave balance on the payroll to confirm that he/she has sufficient leave entitlements.
3. The Principal approves or refuses the leave.
4. Notify the employee in writing of the details of the leave.

 It is considered courteous for staff to request leave in person or via email to the Principal and appropriate Assistant Principal or Business Manager.

This policy will be reviewed by LCC on an annual basis.