

MPW Leave Policy

Purpose

This policy provides guidelines as to the monitoring and procedures for applying for various forms of approved leave. This policy is read in conjunction with the 'HRMS Reference Guide'. Full details of leave requirements can be found at www.eduweb.vic.gov.au/hrweb/employcond/leave/default.htm

Implementation

- a) The following leave provisions have been applicable since at least August 2004.
- b) All applications for leave must be in writing on the appropriate school form which is available(See appendix 1 & 2).
- c) A staff member's eligibility for various types of leave is determined by Award provisions.
- d) Confirmation of an individual staff member's eligibility for leave must be undertaken by the principal, taking into account supporting documentation provided at time of application.
- e) Where applications are not approved, applicants will be advised of decision in writing.
- f) Application and response details will be attached to individual personnel files.
- g) Applications for retrospective leave (Sick/carers) must be lodged at the office within **two working days** of resumption of duty.
- h) Where applicable, medical certificates or statutory declarations need to be attached.
- i) Applications for Long Service Leave must be lodged at the office **no later than two terms before the intended commencement date of the LSL leave.**
- j) Principal will authorise the transaction and record decision in staff member's confidential personnel file.
- k) HRMS personnel file will be updated within five (5) days of leave being granted.

SICK LEAVE

General Provisions

Sick leave credits are allocated on the anniversary of the teaching service members' commencement date. Unused sick leave credits accumulate. To determine the current net sick leave entitlement for a member of the teaching service, all sick leave granted during his or her service is deducted from the amounts credited during his/her service and the period remaining is the net amount of sick leave credit.

A part-time member of the teaching service receives sick leave credits on a pro-rata basis according to the time fraction he/she is working.

A member of the teaching service granted sick leave without pay is restored to full pay from the day he or she actually resumes duty.

A member of the teaching service with prior service with an approved employer recognised by the Department for long service leave purposes may have that service recognised for sick leave purposes.

Where prior service is recognised for sick leave purposes the full service history with the prior employer is required in order to calculate the sick leave entitlement. A new sick leave credit is then calculated as though all service had been in the person's current employment category with the Department (that is, credits are applied and deductions are made for all sick leave taken during the period of prior service.)

The same calculation is used when the prior employment includes a period of service in the armed forces. However, an additional five days for each year of service with the armed forces is also deducted to take account of incidental leave.

When calculating the sick leave entitlement for a member of the teaching service, prior casual service is not included, but prior casual service is recognised for the purpose of maintaining continuity of service. (See the Related Topics item Prior Service below for more details on the recognition of prior service for sick leave purposes).

Members of the teaching service are not paid out for any accumulated sick leave credits on cessation.

Sick Leave Entitlement

Members of the teaching service receive a credit of fifteen days (114 hours) on full pay on commencement of employment. Each subsequent year provides fifteen days (114 hours) on full pay.

In the first year of employment, a member of the teaching service who exhausts his or her sick leave credits may access sick leave credits which would later accrue up to a maximum of fifteen days.

A member of the teaching service employed on a fixed term basis for one or more periods shall not accrue more than fifteen days sick leave in any year.

Supporting documentation

Applications for sick leave must be supported by a medical certificate or certificate in lieu when.

- an aggregate of five days' sick leave and/or carer's leave without appropriate supporting documentation has been taken in any calendar year regardless of whether the leave is with or without pay, or

- more than three consecutive days leave are taken, or
- a member of the teaching service is absent immediately before or after a public holiday (unless otherwise approved by the delegate), long service leave or a school vacation, or
- the absence occurs on a stopwork day, or
- the principal/Regional Director requires its provision for any reason.

Where an application for sick leave requires a medical certificate, or a certificate in lieu and one is not provided, leave without pay will be granted.

Certificates in lieu, that is, a certificate issued by a person registered to practise as a dentist, physiotherapist, chiropractor, osteopath, optometrist or psychologist who is a member (or eligible for membership) of the board of the Clinical Branch of the Australian Psychological Society are not accepted for more than an aggregate of five days in any one year, unless otherwise agreed by the Secretary.

An examination by a medical practitioner approved by the Secretary is required where:

- a. a member of the teaching service has been continuously absent due to illness for thirteen weeks, before any extension of that leave, or
- b. a member of the teaching service has been continuously absent due to illness for more than thirteen weeks, to obtain certification that they are fit to resume work before they are permitted to return to duty, or
- c. a member of the teaching service resumes duty after a lesser period than thirteen weeks and the principal is of the opinion that the teacher is not fit to resume duty, or
- d. the principal/Regional Director has reason to believe that a member of the teaching service's state of health may make the member a danger to other staff members or any students.

In relation to (c) and (d) above the principal/Regional Director may direct the member of the teaching service to be absent from duty on sick leave, with or without pay, until the member is examined by a medical practitioner approved by the Secretary. If the examination discloses that the member is unfit for duty, the member shall be granted such further sick leave as the medical report indicates is necessary. If the examination discloses that the member is fit for duty, the sick leave debited as a result of such direction shall be restored.

A direction by the principal/Regional Director must not be for a period of more than 10 working days. Provided that, where the staff member unreasonably refuses to attend a medical examination, the principal/Regional Director may direct the staff member to absent himself or herself from duty on sick leave, with or without pay, until the staff member attends the medical examination or the principal/Regional Director is otherwise satisfied that the staff member is fit to resume duty.

Sick leave with pay is not granted if an illness is due to the misconduct of a member of the teaching service or if a member is absent from duty without sufficient cause.

Where the principal/Regional Director has occasion to doubt the cause of an illness or the reason for absence he or she should contact the Medial Advisory Service for advice on (03) 9522 1677).

Effect of other leave on sick leave entitlement

<i>School Services Officers</i>	<i>Teachers</i>
<i>Annual Leave (SSO) or School vacation periods(Teaching staff)</i>	
<p>An SSO who becomes ill or is injured during annual leave may be granted sick leave for the period covered by a medical certificate and have the equivalent period restored to his/her annual leave credits.</p> <p>SSOs granted sick leave without pay may apply to convert such leave to annual leave.</p>	<p>A member of the teaching service who is absent on account of illness immediately before a school vacation is entitled to receive pay for that vacation if he/she:</p> <ul style="list-style-type: none"> ▪ returns immediately after the vacation, or ▪ has been on duty for at least four weeks in the preceding term, or ▪ resigns on the first school day following the vacation, or ▪ is granted some form of leave other than sick leave, from the first school day following the vacation. <p>In any other case the member of the teaching service will need to apply for sick leave to cover the vacation period.</p> <p>A member of the teaching service, who is absent due to illness immediately before and after the Christmas vacation, shall be paid for the public holidays and one additional week, provided that he/she was on duty for four weeks of the preceding school term. Members of the teaching service will need apply for sick leave to cover the remaining Christmas vacation period.</p>
<i>Public holidays</i>	
<p>Public holidays observed during an absence on sick leave with pay are not regarded as part of that leave.</p> <p>If a part-time SSO is on sick leave the day before or after a public holiday, but the public holiday is not one of their designated working days, a certificate for those days is not required.</p>	<p>Public holidays observed during an absence on sick leave with pay are not regarded as part of that leave.</p> <p>If a part-time teacher is on sick leave the day before or after a public holiday, but the public holiday is not one of their designated working days, a medical certificate or certificate in lieu for those days is not required.</p>

Long Service Leave

A SSO who becomes ill or is injured while on long service leave may be granted sick leave on provision of a medical certificate or statutory declaration.

Where this occurs an equivalent period of long service leave shall be re-credited or the period of long service leave extended by the amount of sick leave approved.

A teacher who becomes ill or is injured while on long service leave may be granted sick leave on provision of a medical certificate or certificate in lieu.

Where this occurs an equivalent period of long service leave shall be re-credited or the period of long service leave extended by the amount of sick leave approved.

Limitations

Sick leave is not granted for:

- an illness that occurs during a period of leave without pay. However, if the illness extends beyond the period for which leave was approved, sick leave can be granted from the date that resumption of duty should have occurred
- being pregnant or giving birth, but is granted for illness resulting from pregnancy or childbirth
- the illness of any other person.

The accrual date for sick leave credits is deferred when:

- a member of the teaching service has taken a period of continuous sick leave without pay that exceeds six months
- a member of the teaching service has taken a continuous period of other leave without pay exceeding one month determined as not counting for service
- a member of the teaching service has taken a period of leave, either continuous or an aggregate, of greater than 261 working days in respect of a particular injury or capacity, where he/she is in receipt of compensation payments under the Accident Compensation Act 1985.

The date on which sick leave is credited will be deferred by any such period(s) of leave that is in excess of the period(s) of leave outlined above.

CARERS LEAVE

A member of the teaching service who is required to provide care and support for a member(s) of their immediate family or household shall be granted carer's leave. The maximum amount of carer's leave that may be granted in any calendar year with or without pay is ten days. Unused carer's leave does not accumulate.

Carer's leave is deducted from the staff member's accrued sick leave credits.

In any year where a member of the teaching service has exhausted their sick leave credits, they shall be granted further carer's leave with pay for up to three days, but not exceeding the maximum of five days carer's leave which may be granted per year.

For the purposes of this section 'immediate family' includes:

- spouse or domestic partner (including a former spouse or former domestic partner) of the staff member. A domestic partner means a person to whom the staff member is not married but with whom the staff member is living as a couple on a genuine domestic basis (irrespective of gender) and
- child or an adult child (including an adopted child, a stepchild or an ex nuptial child), parent, grandparent, grandchild or sibling of the staff member or spouse of the staff member.

Supporting documentation

Applications for carer's leave must be supported by a medical certificate or a statutory declaration when:

- an aggregate of five days' sick leave and/or carer's leave without appropriate supporting documentation has been taken in any calendar year regardless of whether the leave is with or without pay, or
- more than three consecutive days leave are taken, or
- a member of the teaching service is absent immediately before or after a public holiday (unless otherwise approved by the Secretary), long service leave or a school vacation, or
- the absence occurs on a stopwork day, or
- the principal/Regional Director requires its provision for any reason.

Where an application for carer's leave requires a medical certificate or a statutory declaration and one is not provided, leave without pay will be granted.

Where a medical certificate or statutory declaration is required for carer's leave it must state that the person requiring care and support is suffering from an illness which requires care by another. A staff member may only submit an application for carer's leave if the staff member is responsible for the care of the person concerned. Generally, two staff members would not be entitled to take carer's leave to provide care to the same person at the same time.

Effect of other leave on entitlement

<i>School Services Officers</i>	<i>Teachers</i>
<i>Public holidays</i>	
Public holidays observed during an absence on carer's leave with pay are not regarded as part of that leave. If a part-time SSO is on carer's leave the day before or after a public holiday, but the public holiday is not one of their designated working days, a certificate or statutory declaration for those days is not required.	Public holidays observed during an absence on carer's leave with pay are not regarded as part of that leave. If a part-time staff member is on carer's leave the day before or after a public holiday, but the public holiday is not one of their designated working days, a certificate or statutory declaration for those days is not required.
<i>Long Service leave</i>	
A SSO who is required to provide care while on long service leave may be granted carer's leave on provision of a medical certificate or statutory declaration. Where this occurs an equivalent period of long service leave shall be re-credited or the period of long service leave extended by the amount of carer's leave approved.	A staff member who is required to provide care while on long service leave may be granted carer's leave on provision of a medical certificate or statutory declaration. Where this occurs an equivalent period of long service leave shall be re-credited or the period of long service leave extended by the amount of carer's leave approved.

Limitations

Carer's leave is not granted during a period of leave without pay.

LONG SERVICE LEAVE

Entitlement

A staff member is entitled to access the equivalent of three calendar months after ten years of recognised service, and one and a half calendar months for each five years of recognised service thereafter. A staff member may however, via application to their principal, access entitlement on a pro-rata basis after seven years of recognised service. Payment in lieu of this pro rata entitlement will also be paid on termination of employment.

Part-time staff members accrue leave on the same basis as full time staff members, but receive a pro rata payment during the period of leave.

When determining a staff member's entitlement to long service leave, service means:

- the aggregate of the staff member's service
- any approved leave with pay
- any periods of prior service recognised for the purposes of leave
- any period of leave without pay where the leave was specifically approved by the Secretary to count for service
- any period of war service in the armed forces of the Commonwealth of Australia, provided that services ceased within five years of commencing service with the Department or any other recognised employer
- any period during which a staff member received a temporary pension benefit payable under the State Superannuation Act 1988
- any period as a student teacher, student in training or studentship holder with the Department
- for members of the teaching service, any period of leave with or without pay granted to undertake studies under specific awards as listed in clause 6.15.8 of Order 185 and clause 6.15.8 of Order 186
- any casual service as an SSO, VPS staff member or member of the teaching service (provided that work as a casual relief teacher or equivalent is excluded). This requires that the actual hours worked are calculated, converted to equivalent full time service and then added to other service, if any.

Payment during long service leave

Where all of a staff member's service has been full time, payment during long service leave will be at the staff member's current ordinary full time rate of pay.

Where all of a staff member's service has been part-time, payment during long service leave will be based on the person's average time fraction over all periods of part-time service.

Where a member of the **teaching service** has had a combination of full time and part time service, payment during long service leave will be split into full-time and part-time components. Payment during leave will depend on which component the staff member chooses to utilise.

Where a **school services officer** has had a combination of full time and part time service, payment during long service leave will be based on the staff member's average time fraction relative to the period of eligible service being applied to the leave.

A staff member may elect to take all or part of the long service leave at half pay (for staff who have had variations in time fraction, half payment will be calculated according to the processes outlined above).

Staff members may apply for payment in advance for long service leave.

A Long Service Leave Eligibility report is available from HRMS which will detail the LSL entitlement for a staff member. The report will also show payment details for staff members with part time service.

Commuting long service leave to salary

Members of the teaching service and school services officers have the option to commute a portion of long service credit to salary in conjunction with a long service leave absence of six weeks or longer.

For example a staff member may choose to take eight weeks of long service leave and commute an additional four weeks of entitlement resulting in eight weeks of absence with twelve weeks of pay during this absence. In this case the long service leave entitlement used would be 12 weeks.

Making an application for long service leave

When applying for long service leave, the form [School based application for long service leave](#) (*Word, 33K*) should be used. Applicants should indicate whether leave is required on full pay, half pay or a combination of the two. If wishing to commute leave credit to salary, the form requires that a long service leave absence of six weeks or longer be included as well as the period of leave wishing to be commuted.

Applications for long service leave should be lodged with the principal before the intended commencement of leave. Unless otherwise approved by the employer, applications for long service leave must be lodged no later than two terms before the intended commencement of leave.

Whilst long service leave is an entitlement, the timing of the leave is discretionary. However, it is important that where long service leave is not granted, arrangements should be made with the staff member to enable leave to be taken at an alternative date in the future.

Whilst no minimum period of long service leave applies, leave should not normally be granted for periods of less than one calendar week.

Relationship between long service leave and other forms of leave

<i>School Services Officers</i>	<i>Teachers</i>
<i>School vacation periods</i>	
All SSOs employed as "school year" receive their annual leave entitlements during the school vacation periods, but do not have annual leave recorded. School vacation periods for these employees should not be included in a period of long service leave.	Where long service leave is to commence at the beginning of a school term and/or to end at the conclusion of a school term, the school vacation period immediately preceding and/or immediately following the leave is not counted as part of the long service leave. Long service leave granted on both sides of a school vacation includes the school vacation.
<i>Public holidays</i>	
Public holidays which occur during a period of long service leave shall not form part of the leave.	Where a public holiday falls in a period of long service leave, it is counted as part of the long service leave.
<i>Sick leave</i>	
There a staff member falls sick during a period of long service leave the staff member may be granted sick leave and an equivalent period of long service leave shall be re-credited or the period of long service leave extended by the amount of sick leave approved.	Where a staff member falls sick during a period of long service leave the staff member may be granted sick leave and an equivalent period of long service leave shall be re-credited or the period of long service leave extended by the amount of sick leave approved.
If a staff member on long service leave has long service leave credits re-credited due to sick leave, the period of long service leave will not be automatically extended. A staff member may apply for such an extension.	If a staff member on long service leave has long service leave credits re-credited due to sick leave, the period of long service leave will not be automatically extended. A staff member may apply for such an extension.
<i>Family leave</i>	
A staff member may, in lieu of the whole or part of his or her unpaid parental leave, use some or all of any long service leave to which he or she is entitled.	A member of the teaching service on unpaid family leave may apply to take long service leave. Any period of long service leave taken during a period of unpaid family leave shall extend the period of unpaid family leave, but not beyond the seventh birthday of the child. Where the member of the teaching service seeks to resume duty at the end of the long service leave, the person must apply to the school to resume duty from unpaid family leave on the proposed commencement date of the long service leave, giving the school the required period of notice of resumption from unpaid family leave. Where the member of the teaching service does not intend to resume duty at the end of the long service leave, the long

	<p>service leave application should state this and the leave may commence at any time. A member of the Teaching Service who does not intend to resume duty after the period of long service leave is not entitled to pay during the school vacation period following the long service leave.</p> <p>Where approval is given for resumption of duty from unpaid family leave and the long service leave is granted, the member of the teaching service is entitled to receive pay for the school vacation period immediately following the period of long service leave.</p>
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BEREAVEMENT LEAVE

A member of the teaching service may be granted leave on full pay of up to three days on account of the death of a member of their immediate family or household for the purposes of making funeral arrangements and/or attending the funeral.

For the purposes of this section 'immediate family' includes:

- A spouse or domestic partner (including a former spouse or former domestic partner) of the staff member. A domestic partner means a person to whom the staff member is not married but with whom the staff member is living as a couple on a genuine domestic basis (irrespective of gender); and
- A child or an adult child (including an adopted child, a stepchild or an ex nuptial child), parent, grandparent, grandchild or sibling of the staff member or spouse of the staff member.

The principal may grant paid leave in other cases where, in their opinion, special circumstances exist. Special circumstances include the death of a:

- person with whom the staff member had a close relationship
- step or foster parent or child
- relative who has taken the place of a parent
- relative residing with the staff member at the time of the death
- person where the staff member is the only relative of the deceased person and is the only person available to make the funeral arrangements.

Leave, with or without pay, in excess of that specified above may be granted if the principal is satisfied that three days is inadequate because of special circumstances (for example, funeral delay or extensive travelling involved).

In considering applications for bereavement leave, it is important to note that each case should be considered on its merits.

Bereavement leave would not normally be granted beyond the date of the funeral.

Any subsequent request for leave on account of grief would need to be granted as sick leave and supported by a medical certificate in accordance with sick leave provisions.

Paid leave is not granted for the execution of any legal business associated with the death of a relative. Leave without pay may be granted for this purpose.

Supporting documentation

For applications on account of bereavement, a death/funeral notice should be provided with advice establishing the staff member's relationship to the deceased.

MATERNITY LEAVE

Required period of absence

A member of the teaching service who is pregnant must absent herself from duty for the period commencing six weeks prior to the expected date of the child's birth until six weeks after the actual date of confinement.

A member of the teaching service may attend for duty during any part of the required absence period if the principal is satisfied that:

- she will be fit for duty for the relevant period (proof of which is to be by medical certificate supplied by the staff member), and
- the staff member's attendance for duty will not adversely affect the school's operations; and
- the return to duty sought by the staff member is at a time staff ordinarily attend for duty at that school.

Where a staff member is permitted to attend for duty during the part of the required absence period before the birth of the child, the twelve weeks' maternity leave commences from the first day of absence from duty.

General provisions

A member of the teaching service who has at least twenty-six weeks' qualifying service within the fifty-two weeks immediately preceding the commencement of the maternity leave is eligible for fourteen weeks maternity leave of with pay in respect of the birth of a child on or after the 4 August 2004.

Qualifying service includes:

- duty as a staff member (see below)
- approved leave with pay
- approved leave without pay that is determined to count as qualifying service
- other service that is determined to count as qualifying service.
- Qualifying service does not include any period of casual employment (for example, as a CRT) or the period, if any, during which a staff member attends for duty during the six weeks prior to the expected date of birth.

Pay calculation

While on maternity leave with pay, a member of the teaching service shall be paid at:

- the time fraction that she was working immediately before commencing maternity leave provided that where a full time staff member has part time service included in the aggregate 26 weeks, the staff member shall be paid on a pro-rata basis; or
- the time fraction that she was working immediately prior to commencing long service leave, if the staff member ceases long service leave on half pay immediately before commencing maternity.

A member of the teaching service who is eligible for paid maternity leave and is in receipt of payments under WorkCover, is entitled to maternity leave with pay less the amount paid by way of weekly compensation under the Accident Compensation Act 1985 and has no further entitlement to leave during the maternity leave period.

Leave for early termination of pregnancy

Where the pregnancy terminates after twenty weeks and results in the birth of a stillborn child, the staff member is entitled to paid maternity leave and additional leave without pay to a maximum six months period of absence following the termination, or a longer period where it is medically certified.

Where the pregnancy of a staff member terminates more than twenty weeks before the expected date of confinement, other than by the birth of a living child, the staff member has no entitlement to maternity leave. However, there is an entitlement to sick leave for such a period as a medical practitioner certifies to be necessary.

Supporting documentation

An application for maternity leave must be lodged in advance and must include a medical certificate that states that the staff member is pregnant and the expected date of her confinement.

Resuming Duty

To resume duty immediately following the required absence period, a SSO must provide a medical certificate stating her fitness to return to duty. A member of the teaching service whose period of paid maternity leave expires immediately before or during a school holiday period is entitled to receive normal pay for the remainder of that vacation period provided she returns to duty immediately after the vacation.

FAMILY LEAVE

Members of the teaching service have an entitlement to family leave following, or in conjunction with, the birth or adoption of a child or children. The total period of family leave cannot exceed seven years. Periods of maternity, paternity or adoption leave are included as part of the seven year family leave entitlement and generally include a paid component subject to eligibility. For further information refer to the maternity leave, paternity leave and adoption leave sites listed below.

Excluding paternity leave, only one period of family leave can be taken per member of the teaching service per child.

An absence on family leave may extend up to the seventh birthday of the child for whom the leave was granted with the exception that further leave beyond the seventh birthday may be granted to allow for resumption of duty at the start of a school term.

If a total of seven years of family leave has been taken, the principal may approve a further period of family leave in the event of any subsequent confinement or adoption.

Where both parents are members of the Teaching Service, they are each entitled to a maximum of seven years of family leave. Both members of the teaching service are not entitled to family leave at the same time and the leave taken by a member of the teaching service must be contiguous with that of their partner and must not extend beyond the child's seventh birthday.

In circumstances where a member of the teaching service becomes pregnant while her partner is absent on family leave, one of the members of the teaching service must resume duty within six weeks of the birth.

Commencement of Family Leave

Family leave may commence at any time:

1. after the member of the Teaching Service submits satisfactory medical evidence that she is pregnant but shall not commence later than six weeks before the expected date of birth of the child. A principal may permit a member of the Teaching Service to attend for duty during the six weeks before the expected date of birth provided that:
 - a. the member will be fit for duty for the relevant period (proof of which to be a medical certificate supplied by the teacher)
 - b. the member's attendance for duty will not adversely affect the school's operations; and
 - c. the attendance sought by the member is at a time members of the Teaching Service ordinarily attend for duty at that school.
2. after the birth or adoption of a child or the adoption of a child who is a relative of the member of the Teaching Service or the member becoming the guardian of a child pursuant to a will.

Resumption of Duty From Family Leave

A member of the Teaching Service may return to duty after family leave:

1. Six weeks following the birth or placement of a child (or the expiration of any period of paid maternity leave whichever is the later) if written notice of intention is given to this effect with the application for leave. (It should be noted that the entitlement to paid maternity leave is not linked to the minimum date of resumption). A principal may permit a member of the Teaching Service to attend for duty during the six weeks after the expected date of birth provided that:
 - a. the member will be fit for duty for the relevant period (proof of which to be a medical certificate supplied by the teacher)
 - b. the member's attendance for duty will not adversely affect the school's operations; and
 - c. the attendance sought by the member is at a time members of the Teaching Service ordinarily attend for duty at that school.
2. On the first day of any term, if written notice of intention to return is given by 1 November in the year preceding the intended date of return
3. At such other times as the principal approves provided that applications on compassionate or hardship grounds shall not be unreasonably refused.

Temporary Resumption from Family Leave

Where a principal cannot fill a fixed term vacancy of six weeks or more with a suitably qualified teacher, a temporary resumption for a teacher currently on family leave can be considered. A temporary resumption from family leave should only be considered where all other avenues of employment have been exhausted, i.e. potential over entitlement teachers and teachers able to be offered fixed term employment are not available.

When a teacher returns from family leave on a temporary resumption:

- salary will be at the teacher's substantive salary level
- service will be recognised for all purposes (e.g. long service leave, sick leave)
- at the end of the period the teacher will resume their family leave under the same provisions as before the temporary resumption
- a temporary resumption may extend the period of family leave provided that the period of family leave does not go beyond the seventh birthday of the child for whom family leave was taken or exceed a total of seven years.
- superannuation contributions will be deducted at the usual rate from the teacher's salary.

Approval for a temporary resumption from family leave

The temporary resumption of teachers who are on family leave into fixed term vacancies will require consultation to be undertaken between the two principals and the teacher involved so that the implications of the temporary resumption are clear to all.\

- The teacher who has been asked to resume temporarily from family leave must provide details of the temporary resumption to his or her base school principal and seek the base school principal's written approval prior to the temporary resumption.
- The principal planning to offer temporary resumption to a teacher who is on family leave must consult with the teacher's base school principal to ensure that the approval has been sought.
- The base school principal may give written permission for the teacher to resume temporarily from family leave. Unless the temporary resumption is going to adversely affect the base school's workforce plan, it is expected that the base school principal would normally approve the temporary resumption.

Non approval from base school principal

In planning to fill a vacancy with the temporary resumption of a teacher who is on family leave the principal of the appointing school must ensure that the base school principal has been made aware of the resumption and been given an opportunity to endorse it. In the event that the base school principal does not agree to the temporary resumption, the principal of the appointing school may only proceed with the temporary resumption by accepting responsibility for the teacher's placement at the expiration of the family leave period (i.e. the teacher's base school will be the appointing school).

PATERNITY LEAVE

A male staff member who submits satisfactory evidence that he is the father of, or has accepted responsibility for the care of, a child shall be granted paternity leave with pay, at the rate the staff member would have received but for the absence on paternity leave, for up to for one week, or for periods aggregating up to five working days to care for the child/the mother of the child.

Leave must be taken within the period commencing one week before the expected date of confinement or the date from which the staff member accepts responsibility for the child, and six weeks after the actual date of confinement or the date from which the staff member accepts responsibility for the child, unless otherwise approved by the principal.

A staff member who is eligible for paid paternity leave and is in receipt of payments under WorkCover, is entitled to paternity leave with pay less the amount paid by way of weekly compensation under the Accident Compensation Act 1985 and has no further entitlement to leave during the paternity leave period.

An application for paternity leave should include a:

- medical certificate stating the expected birth date, or
- medical certificate stating the actual birth date, or
- certified photocopy of the extract of birth entry.

LEAVE WITHOUT PAY

Leave without pay can be granted under either section 35 or 36 of the *Teaching Service Act 1981*.

Principals may grant leave without pay under section 35 of the *Teaching Service Act 1981* for any purpose.

Leave granted under section 35 of the Act is not usually granted for a period in excess of twelve months, but may be approved or extended up to a maximum continuous period of three years by the principal if this is considered warranted.

Leave without pay granted by the principal under section 35 of the *Teaching Service Act 1981* does not count for service.

Where a member of the Teaching Service submits an application to the principal for leave without pay without specifically requesting that the period of leave count as service, the approval letter from the principal to the applicant should state that leave is granted on the basis that it will not count as service.

With the exception of **study leave** granted under section 36(1)(a) of the *Teaching Service Act 1981*, leave without pay to count as service can only be approved by the Secretary in accordance with sections 35 or 36 of the *Teaching Service Act 1981*.

Leave without pay to count as service

An application from a member of the Teaching Service for leave without pay to count as service should be submitted to the principal in sufficient time for the application to be considered prior to the commencement of leave.

Where a member of the Teaching Service applies for leave without pay to count as service and the principal is prepared to grant the leave without pay, the principal should forward the application, with the appropriate supporting documentation, to the General Manager, Human Resources Division, for the consideration of the Secretary (or delegate) prior to the applicant commencing leave.

Leave without pay which is approved to count for service will count for sick leave and long service leave purposes and may also count for salary progression in accordance with Department policy.

Where a member of the Teaching Service believes special circumstances exist, he or she may request, upon return to duty from a period of leave without pay, that the period of leave without pay be regarded as service. Appropriate supporting documentation, including a full statement of service, should accompany the request.

Any such request will be considered by the Secretary (or delegate) on its merits, including the circumstances which prevented the person from making the request prior to taking the period of leave. Where the request is approved, appropriate adjustments will be made to the applicant's leave records. Where necessary, the applicant's salary will be adjusted effective from the date of the application for such approval or the date of resumption from leave without pay, whichever is the later.

Granting leave without pay

Generally leave without pay should be granted on the following basis:

- Where a member of the Teaching Service is to be absent for one or more terms, the period of leave extends from the first school day of a term up to and including the day immediately preceding the first school day of a term.
- The principal may approve leave that commences during a term and may approve resumption at a time other than the beginning of a school term.
- Where a member of the Teaching Service is to be absent for the school year, the period of leave extends from the first school day of one year up to and including the day immediately preceding the first school day of the following year.

When considering applications for leave without pay from members of the Teaching Service, principals should observe the following:

- Where the period of leave without pay sought is for one or more terms, the period granted should include all the vacation periods during the period of absence, including the vacation period immediately prior to the member of the Teaching Service's resumption.
- Where the period of leave without pay sought is for less than a whole term, the period granted should include the vacation period following the period of leave except where:
 - the member of the Teaching Service has been on duty for at least four weeks during the term, or
 - the member of the Teaching Service is on duty immediately after the vacation.

Important Note Concerning Superannuation

A staff member who is a member of the New or Revised superannuation funds is advised to contact the Government Superannuation office to seek advice concerning their superannuation while on leave.

SABBATICAL LEAVE

Sabbatical Leave is a professional renewal incentive scheme designed to provide employees with a flexible arrangement whereby they can fund a period of sabbatical leave. In particular, sabbatical leave provides support to employees who wish to engage in a variety of alternative activities of their choice and to gain skills and experiences that they might otherwise not be able to access

An employee may be granted sabbatical leave on 80% of salary subject to the employee agreeing to have his/her annual salary reduced by 20% for the relevant work period, and the employee entering an agreement with the employer covering the terms and conditions of the Sabbatical Leave.

Sabbatical leave shall be taken immediately following the completion of the relevant work period during which salary was reduced. Sabbatical leave may be deferred for a period of up to 52 weeks at the instigation of either the Employer (or nominee) or the employee provided both parties agree.

OTHER LEAVE

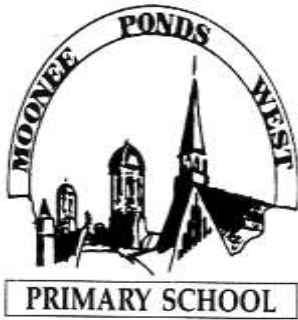
Information on other leave can be found at the website address as follows:
www.eduweb.vic.gov.au/hrweb/employcond/leave/default.htm

The following leave types have an inbuilt link to the appropriate section of the guide. (**Ctrl+click** to follow link) Clarifications on any items can be made directly with the principal.

<p>Compensation leave (Workcover) Adoption leave Annual leave Bail justice duties Blood Donation Leave Compassionate leave Contesting state elections Councillors, mayors and shire presidents Court attendance leave Cultural and ceremonial leave Defence Reserve Service Emergency services Flexible leave arrangements Honorary probation officer Infectious diseases</p>	<p>Jury service leave Occupational health and safety training leave Parental leave Pre-natal leave Religious observances Self funded leave Sporting competitions Spouses of Members of Parliament Spouses of senior government officers Study leave Trade union training leave Transport accidents War Service Leave</p>
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Appendix

1. **MPW Leave application form** To be used for all types of leave other than LSL
2. **MPW Long Service form** To be only used for LSL:



Moonee Ponds West Primary No. 01 - 2901

123 - 143 Eglinton Street,
Moonee Ponds 3039

Phone: 9370 6875
9375 1197

Fax: 9370 1909

Email: moonee.ponds.west.ps@edumail.vic.gov.au

Long Service Leave Application Form

General Provisions

A school based staff member may access long service leave credits at any time after 7 years eligible service (i.e. entitled to 63 calendar days long service leave at 7 years and 90 calendar days at 10 years). Part time staff members accrue leave on the same basis, but receive a pro rata payment during their leave. School based staff have the option to commute (i.e. cash in) a portion of their long service leave entitlement in conjunction with a long service leave absence of 6 weeks or longer.

Comprehensive information on long service leave is available at

<http://www.eduweb.vic.gov.au/hrweb/employcond/leave/lsl.htm>

Employee ID:	Name:
School Name:	School Number:
Region:	Telephone:

Long Service Leave Application (to be processed by School)

Note: Long service leave is generally granted in blocks of one or more calendar weeks and can be taken on full or half pay.

I wish to apply for LSL as follows:

Full pay Start Date ___/___/____ Return Date ___/___/____

Half pay Start Date ___/___/____ Return Date ___/___/____

I require pay in advance YES / NO

Application to Commute Long Service Leave (processed by Schools HR Services)

* Requests will only be processed if made in conjunction with a LSL absence of 6 weeks or longer.

I wish to commute _____ days of my long service leave entitlement.

Important note regarding taxation: Payment for commuted long service leave will be added to your normal fortnightly salary and taxed accordingly, which may result in a substantial increase in your marginal tax rate. It is strongly recommended that you seek professional advice on this matter.

If this option is chosen, the school must fax this form to Schools HR Services on 9637 3418 once the LSL application has been entered on HRMS.

Applicant's signature: _____ Date: _____

PRINCIPAL'S ENDORSEMENT

Principal's name: _____ (please print)

Principal's signature: _____ Date: _____

Note: Completion of this form does not guarantee entitlement to long service leave

