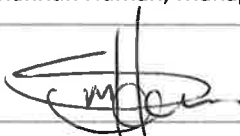




EMPLOYEE LEAVE POLICY

Date approved:	June 2019	Date Policy will take effect:	Immediately	Date of Next Review:	June 2021
Approved by:	Shannan Human, Manager - People and Culture				
Signature:					
Custodian title & e-mail address:	Shannan Human, Manager - People and Culture, Shannan@uow.edu.au				
Responsible Unit:	People and Culture				
Supporting documents, procedures & forms of this policy:	Study Leave Policy Applicable Industrial Agreements				
References & Legislation:	<u>Fair Work Act 2009 and Fair Work Regulations 2009</u> <u>Long Service Leave Act 1955</u> <u>State Emergency and Rescue Management Act 1989</u> <u>State Disaster Plan 2010</u> <u>National Employment Standards</u>				
Audience:	Internal – UOW Pulse employees only				
Expiry Date of Policy (if applicable):	In place until reviewed				



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1 Purpose of Policy

- 1.1 The purpose of this document is to set out UOW Pulse's policy on leave for all employees. This policy specifies the types and components of leave that are available to employees, including the eligibility, entitlements and approval processes for each category.
- 1.2 This policy is to be used in conjunction with the award or agreement that is relevant to each individual employee. Where any discrepancies or differences exist, the applicable award or agreement will take precedence.
- 1.3 UOW Pulse recognises the health and wellbeing benefits of employees who use their leave entitlements, which result in increased motivation, focus, productivity, length of service and happiness in the workplace.

2 Definitions

Word/Term	Definition
Award, agreement or contract	The employment instrument under which the employee is employed. This document sets out the conditions of employment for employees and for UOW Pulse.
casual employee	An employee who is engaged and paid on a casual basis.
fixed-term employee	An employee who is employed either full-time or part-time for a fixed period.
full-time employee	An employee who is employed full-time on a permanent basis.
maximum term employee	An employee who is employed either full-time or part-time for a fixed period.
part-time employee	An employee who is employed on a permanent basis and works less than full time hours or as defined in the relevant industrial agreement.
permanent employee	An employee who is employed either full-time or part-time and is not on a fixed term contract.
supporting documentation	Hard copy documentation that has been signed by a recognised individual, institution or business in support of the employee's situation. This documentation must be dated and must cover the period in question. It may include but is not limited to a medical certificate, birth certificate, death certificate, notification of Jury Service, notification of blood donation or medical examination, or a notification of participation as an Emergency Volunteer.
health and wellbeing	Health and wellbeing is the state in which the individual realises his or her own abilities, can cope with normal stresses of life and can work productively
Unforeseeable absence	Absences that may be due to emergencies, accidents, illness or transport stoppages
Immediate Family	An employee's spouse (current and former), de facto partner, child (including adopted and foster), parent, grandparent, grandchild, sibling. Also included is a child, parent, grandparent, or sibling of the employee's spouse or de facto partner, and any member of the employee's household (meaning a family member in the same domestic dwelling) as defined by the NES.

3 Application & Scope

- 3.1 This policy applies to all UOW Pulse employees and regulates the following types and components of leave:
- i. Annual Leave
 - ii. Long Service Leave
 - iii. Annual Leave Loading and Holidays
 - iii. Personal Leave
 - iv. Parental Leave
 - v. Study / Exam Leave
 - vi. Leave Without Pay
 - vii. Jury Service
 - viii. Employees called as Witnesses
 - ix. Blood Donor Leave
 - x. Defence Forces Leave
 - xi. Natural Disaster Leave
 - xii. Emergency Volunteer Leave
- 3.2 The entitlements under this policy are provided for full-time permanent UOW Pulse employees and all values are to be pro-rata for part-time and/or limited term employees in proportion to the fraction of their employment, unless otherwise stated.

4 Communication and administration

- 4.1 Leave requests and approvals must be completed prior to taking leave. Applications and approvals are to be made online through Connx or extraordinary request as detailed in Sec 5.
- 4.2 Employees will personally report unforeseeable absences to their supervisor or Manager as soon as possible and prior to the shift to be worked. Formal leave applications and approvals will be completed as detailed above, as soon as is practicable and before the end of a payroll cycle.

5 Accrued Leave Entitlements

- 5.1 Part time employees may work additional hours resulting in a change of hours going from one contract to another. This causes an excessive leave liability for UOW Pulse while employees will not receive leave at the greater hours per week that it was earned. Employers and employees may agree to the taking of leave consistent with the amount of weekly hours it was accrued and worked by requesting an 'average hours worked' history for the specified period and completing Appendix A contained in this policy.
- 5.2 Annual Leave
- i. Full-time employees are entitled to twenty (20) working days of annual leave per year. This leave is accrued pro-rata from the date of commencement of employment.
 - ii. Annual Leave should be taken at times that are mutually acceptable to both the employee and their Manager, in consideration of operational requirements.
 - iii. Employees should submit their annual leave via Connx at least three months prior to the date requested.
 - iv. Employees who are working in operational and identified service units should take their Annual Leave outside the main trading weeks. Exceptions outside of this timeframe will be considered for approval by People and Culture, in consultation with the Unit Manager.

- v. At least twenty days (or as otherwise specified in the relevant award or agreement) of Annual Leave should be taken by each employee each year (pro-rata for part time employees), unless plans are made for the individual to take an extended absence the following year, with the approval of the relevant Manager.
- vi. An initial review of annual leave will commence for employees with 30 days (6 weeks) or more of accrued annual leave, or pro-rata equivalent. This leave will then be reviewed and managed within the guidelines of the relevant legislation, award or agreement and if deemed 'excessive annual leave' a leave plan will be developed in conjunction with the employee.
- vii. If an employee is on Annual Leave and becomes incapacitated for at least five working days, UOW Pulse will re-credit their Annual Leave to the same value. The individual must provide a medical certificate for the period of time and must possess sufficient Personal Leave.
- viii. The balance of any Annual Leave will be paid out to an employee on termination of employment at UOW Pulse, for whatever reason.

5.3 Annual Leave Loading and Holidays

- i. For the avoidance of any doubt, the entitlement to annual leave loading under the relevant clause of each of the industrial agreements, is provided to compensate staff for a lost opportunity to work overtime.
- ii. Annual Leave Loading (where applicable under an employment instrument) is paid in December each year, not when Annual Leave is actually taken. Employees will be paid Annual Leave loading equivalent to 17.5 percent of four weeks ordinary salary as at 31 December. Upon resignation or termination by UOW Pulse, employees who have not been paid annual leave loading will be paid the loading.
- iii. All employees (other than casual employees) who are not required for duty will receive full pay for the following Holidays, where they fall on an employee's regular working days, with no deduction from their Annual Leave:
 - (i) Public holidays, including New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Labour Day, Christmas Day, Boxing Day;
 - (ii) Three working days between Boxing Day and New Year's Day. These days are granted to employees as paid concessional days.
 - (iii) All other public holidays that are proclaimed for the state of New South Wales.

5.4 Long Service Leave

- i. Long Service Leave provisions are granted in accordance with the Long Service Leave Act 1955 and any subsequent amendments to that Act. Namely, the leave entitlement is to be taken when it becomes due.
- ii. Eligible employees may apply to their relevant Manager for Long Service Leave as stated in the award or agreement that is relevant to them, after completing ten years' continuous service with the UOW Pulse, or as otherwise stated to have leave deferred to be taken at a later time.

6 Personal Leave

- 6.1 Three categories of Personal Leave are available to UOW Pulse employees. The categories include:
 - i. Sick Leave
 - ii. Carer's Leave
 - iii. Bereavement or Compassionate Leave

Sick Leave

- 6.2 Employees are entitled to Sick Leave, as specified in the Industrial Instrument that is relevant to them.
- 6.3 Medical certificates will be required for:
- i) instances involving two (2) or more consecutive days;
 - ii) any absences taken immediately prior to, or following a weekend or a public holiday; and
 - iii) as reasonably requested by their manager.
- 6.4 Employees should speak with their Manager or People and Culture if they are unsure about their Sick Leave entitlements or requirement to produce supporting documentation.

Carer's Leave

- 6.5 Carer's Leave is available to employees who may be responsible for caring for members of their immediate family, or their household, and is primarily used for unplanned, short-term absences. Carer's Leave entitlements are clarified in each employee's relevant award or agreement.

Compassionate Leave

- 6.6 Employees are entitled to Compassionate Leave, as consistent with the National Employment Standards which is 2 days for each occasion (unpaid for casuals). Supporting documentation will be required, as per the relevant award or agreement.

7 Parental Leave

General Provisions

- 7.1 Four categories of Parental Leave are available to UOW Pulse employees who have completed at least forty weeks of continuous paid service. The categories include:
- i. Maternity and Paternity Leave
 - ii. Partner Leave
 - iii. Adoption Leave
 - iv. Foster Parent Leave
- 7.2 Parental Leave, including leave taken in accordance with this Section, is up to fifty two weeks in duration. Under the Fair Work Act 2009, an employee may request an extension of a further 52 weeks (up to 104 weeks in total) unless they are a member of an employee couple and the other member has already taken 12 months of leave. The request must be in writing and given to the relevant manager at least 6 weeks before the end of the employee's initial period of parental leave. The request can only be refused if there are reasonable business grounds to do so, and reasons must be detailed in writing.
- 7.3 Employees may be entitled to paid Parental Leave under the above four categories, as clarified in Subsections 7.12 – 7.31 below. Employees who are not entitled to Parental Leave may apply to their Manager for Leave without Pay and each application will be dealt with independently, under the relevant award or agreement. Casual employees are not entitled to paid Parental Leave.
- 7.4 Applications for Parental Leave must be submitted by employees to People and Culture and the relevant Manager at least four weeks prior to the intended commencement date. Applications will include relevant information including the intended commencement date, intended return to work date and requested pattern of work on return if different from contracted pattern.



- 7.5 Confirmation of Parental Leave arrangements will be provided by People and Culture to employees in writing prior to the commencement of leave.
- 7.6 Employees will provide either a medical certificate which nominates the anticipated date of birth, or a statutory declaration that demonstrates a parental relationship to the child. Where both parents are in employment, a statutory declaration must be provided, stating the leave arrangements that have been made with respective employers. The statutory declaration should state whether the employee is the only parent employed.
- 7.7 Paid Parental Leave will be automated in accordance with the UOW Pulse's normal pay periods, not as a lump sum.
- 7.8 Accrued Annual Leave or accessible Long Service Leave may be applied for by employees in lieu of unpaid Parental Leave. This Leave would be deemed as Parental Leave and the total period of leave must not exceed fifty-two weeks (as outlined above in Subsection 8.2). No other types of leave are to be considered as Parental Leave.
- 7.9 All leave entitlements under this Policy, as listed in Section 3 will continue to accrue while an employee is on paid Parental Leave and their employment will not be terminated on the grounds of absence. Leave entitlements will not accrue for employees on unpaid Parental Leave, and will be frozen until the employee returns to work.
- 7.10 Parental Leave is not extended in time to compensate for any Public Holiday or concessional day as listed under Section 5.2.
- 7.11 An employee may not normally be on Parental Leave at the same time as their partner in respect of the same child(ren), other than for one week immediately following the birth, adoption or fostering of the child(ren).

Maternity and Paternity Leave

- 7.12 Maternity and Paternity Leave provisions are granted in accordance with the Fair Work Act 2009. Employees are entitled to a maximum of fifty-two weeks of Parental Leave and may request and extension of a further 52 weeks (up to 104 weeks in total), in accordance with subsection 7.2, if they have completed forty weeks of continuous paid service with the UOW Pulse and give birth to a child(ren). This Leave may be comprised of the following:
- i. Paid Maternity or Paternity Leave in accordance with subsection 7.13 below;
 - ii. Annual Leave or Long Service Leave in accordance with subsection 7.8 above;
 - iii. Unpaid Leave to the total balance of fifty-two weeks.
- 7.13 Permanent and sessional employees who have completed forty weeks of continuous paid service are entitled to twelve weeks of paid Maternity or Paternity Leave at their ordinary pay (prorated where necessary), or twenty-four weeks at half pay (sessional employees may be paid during session periods only).
- 7.14 UOW Pulse recognises that the Federal Government provides a separate provision of paid parental leave. UOW Pulse Parental Leave entitlements under this policy are a stand-alone entitlement and are not affected by the Federal Scheme. Eligibility for Parental Leave under this policy is not determined with reference to the Federal Government Scheme.
- 7.15 An employee who takes Maternity or Paternity Leave will not be eligible for Partner Leave in respect of the same child(ren).
- 7.16 An employee will normally commence Maternity Leave between four and eight weeks before the anticipated date of birth of their child. A medical certificate may be required if an employee chooses to work during the four weeks before the anticipated date of birth. Where, for medical reasons, an employee needs to commence Maternity Leave earlier than eight weeks prior to the anticipated date of birth of their child, they must submit a written request and a medical certificate in support of their needs.

- 7.17 An employee will normally commence Paternity Leave one week prior to the anticipated birth of their child(ren).
- 7.18 Employees will return to work in accordance with subsections 7.19-7.32 below. If an employee wants to return to work earlier than six weeks after the birth of their child, they may be required to provide a medical certificate indicating fitness to undertake duties.

Unplanned Cessation of Maternity Leave

- 7.19 Where an employee has commenced paid Maternity or Paternity Leave and the child is stillborn or dies, a further four weeks of Maternity or Paternity Leave will be paid. An employee may return to work earlier than planned, provided that a four week notice of their return is provided to their Manager and People and Culture, including a medical certificate in support of their return.

Returning to a Temporary Part-time Position after Maternity or Paternity Leave

- 7.20 Part-time working arrangements may be available to employees after Maternity or Paternity Leave for a period of up to 104 weeks, or as a combination of full-time and part-time of a proportionate period of up to 104 weeks. A maximum of 365 calendar days of Leave without Pay may be taken by a full-time employee during this period to make up the substantive position hours (this includes any period of paid Parental Leave). The relevant Manager will determine whether the proposed working arrangements are acceptable and will provide reasons if they are deemed not to be.
- 7.21 Part-time work will not commence before the completion of any paid component of Maternity or Paternity Leave.
- 7.22 Part-time working arrangements will cease if the employee commences a new period of Parental Leave. Payment for such Parental Leave will be at the substantive rate that is applicable at the time the employee commences a new period of Parental Leave.
- 7.23 UOW Pulse will advise employees if it is not practicable for them to return part-time to the position they previously occupied during the 104 week period. In such circumstances, Management will attempt to identify a suitable vacant or alternate part-time position for the employee to occupy at the same or lower level. With the employee's agreement, they will be placed in the vacant or alternate position for the period of temporary part-time work and be paid the appropriate fraction of their salary.
- 7.24 An employee will return to their substantive position on a full-time basis at the conclusion of any temporary part-time working arrangement. If the former position no longer exists, the provisions under subsection 7.30 below will apply.

Partner Leave

- 7.25 An employee who is the partner but not the primary care giver of their child will be entitled to a maximum of five days pro rata paid Partner Leave to support the primary care giver, following the birth or adoption of their child.
- 7.26 Where both the employee and their partner are employed by UOW Pulse and the partner is to become the primary care giver of the child, they must comply with all of subsections 7.1-7.11 'General Provisions' above. The partner will be entitled to the provisions covered under subsection 7.12 'Maternity Leave' above, discounted by any period of time that they were not the primary carer and provided that the employee and their partner will not receive in excess of fourteen weeks paid Maternity Leave combined.

Adoption Leave

- 7.27 An employee who is the primary carer in a legal adoptive situation is entitled to Adoption Leave if they have completed forty weeks continuous paid service in accordance with subsections 7.1-7.11 'General Provisions' above and provided that the child(ren):



- i. Has/have been living with the employee or their partner for a period of less than three months; or
- ii. Is not a child or step-child of the partner of the employee.

7.28 An employee who meets the requirements above under subsection 7.26, is entitled to the same entitlements that are available for Maternity Leave. In such circumstances, any references to the birth of a child(ren) in the Maternity Leave provisions, shall mean the placement of a child(ren) in an adoption arrangement.

Foster Parent Leave

- 7.29 A maximum of five days paid Foster Parent Leave is available to employees who act as the primary care giver of a foster child who is placed into their family for an anticipated period in excess of six months, from the time that the child enters their care.
- 7.30 Employees must provide sufficient supporting documentation in their application for Foster Parent Leave, confirming the foster arrangement, including the intended period of placement.

Resumption of Duty after Parental Leave

- 7.31 Employees must provide 6 weeks notification to UOW Pulse of their intention to return to work. Employees are entitled to return to the substantive position and working arrangements that they held before commencing Parental Leave. UOW Pulse will attempt to provide an equivalent position if this position no longer exists.
- 7.32 Employees will return to the position and working pattern they held prior to commencing Parental Leave at the end of their Parental Leave unless:
 - i. They have submitted their resignation and provided notice, or
 - ii. They have written confirmation of other agreed arrangements from UOW Pulse, or
 - iii. The provisions under subsection 7.31 above apply.
- 7.33 Employees will be deemed to have abandoned their employment if they do not meet the requirements and circumstances specified above in subsection 7.30 and will be notified accordingly by UOW Pulse.

8 Study / Exam Leave

- 8.1 Study/Exam leave may be available to permanent, full time employees where permitted. The Study Leave Policy should be referred to for further information.

9 Leave Without Pay

- 9.1 Leave Without Pay may be available to employees when they have exhausted all other types of leave, at the discretion of the relevant Manager, in consideration of operational requirements.
- 9.2 Employees will submit an application for Leave without Pay to their relevant Manager for any period of leave that is less than one month in duration. Leave requests of longer than one month must be submitted for consideration and approval of the Head of People and Culture in consultation with the relevant Manager. All Leave without Pay requests will include a statement of the circumstances supporting the application.
- 9.3 The following issues and factors will be considered in assessing all Leave Without Pay applications:
 - i. Purpose – Work-related and compassionate grounds will take precedence over other reasons.
 - ii. Length of Service – Leave Without Pay will not normally be granted in the early years of employment. Five years' service will normally be a minimum requirement for extended leave of longer than one month.

- iii. Operational Needs – Employees may need to be replaced during their absence. The convenience and expense of replacement will be considered.

10 Jury Service

- 10.1 Employees will notify their Manager as soon as possible if they are summoned for Jury Service and provide supporting documentation to justify their absence, including the dates and duration of involvement.
- 10.2 Employees are entitled to receive their normal wages while they are absent from work to attend Jury Service for a maximum of 10 days, therefore UOW Pulse will pay any gap between the Jury Service allowance employees receive and their normal wage or as per the current enterprise agreement. Employees must provide evidence of any fees they receive (other than travel allowance, meal allowance or other incidental components).

11 Employees called as Witnesses

- 11.1 An employee subpoenaed, summonsed or called as a witness is to notify UOW Pulse of the required absence. This absence will be without pay or as a debit to Annual Leave at the option of the employee. An employee required as a witness on behalf of UOW Pulse or as a witness in industrial proceedings, shall be regarded as being on duty and will not receive witness fees for the period for which the employee is required as a witness. Absence from the workplace is to be minimised and employees are required to attend before and after their witness presentation.

12 Blood Donor Leave

- 12.1 Employees are entitled to donate blood during working hours without the loss of pay provided that:
 - i. The time and date does not unduly disrupt UOW Pulse operations;
 - ii. The employee provides their Manager with supporting documentation to prove their involvement; and
 - iii. The employee is absent for no longer than two working hours, and no more than three times within any one year of employment at the UOW Pulse.

13 Defence Forces Leave

- 13.1 Full-time or part-time employees are entitled to a maximum of two weeks of leave per year to attend Defence Forces Reserve approved training camps. Employees will provide notice of their intention to take Defence Forces Leave and will apply to their relevant Manager at least one month in advance of taking this leave, providing supporting documentation to justify their absence, including the duration of the training.
- 13.2 UOW Pulse will pay employees any gap between the training payment they receive and their normal wage for a maximum of two weeks while they are absent from work to attend Defence Forces Reserve training. Employees must provide evidence of any fees they receive (other than travel allowance, meal allowance or other incidental components). Leave to attend Defence Forces Reserve training in excess of two weeks will be considered for approval by the relevant Manager, in consideration of operational requirements. An employee will use their Annual Leave or Leave without Pay in such circumstances.

14 Natural Disaster Leave

- 14.1 Employees may be entitled to a maximum of three days per year of paid leave in the event of a natural disaster such as a cyclone, flood or fire. This Leave is available to employees if a 'yellow alert' is announced and there is a genuine threat to an employee's property or family.
- 14.2 Employees will notify their Manager as soon as possible if they need to take leave in the event of a natural disaster. Employees will complete an application for Disaster Leave on their return to

work and will provide supporting documentation if required by the relevant Manager and/or People and Culture to justify their absence.

15 Emergency Volunteer Leave

- 15.1 The State Emergency and Rescue Management Act 1989 provides employment protection for volunteer persons who are involved in emergency services operations. Part-time or full-time UOW Pulse employees who are emergency volunteers under this Act are therefore entitled to unpaid leave for the duration of participation in any emergency operations when a state of emergency has been declared.
- 15.2 If a state of emergency is declared in the Illawarra region, emergency volunteers who are participating in emergency operations will be entitled to receive up to three consecutive days on full pay within any month, in addition to one day recovery on full pay. For participation outside of the Illawarra, entitlements are reduced to two consecutive days on full pay and one recovery day on full pay.
- 15.3 Other leave, including unpaid leave, Annual Leave or Personal Leave can be utilised for any additional absence from work, at the discretion of the employee's Manager, in consultation with People and Culture.
- 15.4 Employees will notify their Manager as soon as possible if they are participating in emergency operations and will provide supporting documentation to justify their absence, including the dates and duration of involvement.

16 Roles & Responsibilities

- 16.1 UOW Pulse Management has a responsibility to:
- i. Ensure that employees are advised of the Employee Leave Policy and that it is accessible to employees;
 - ii. Ensure that this Policy is implemented and applied consistently across all areas;
 - iii. Track employee absences and ensure employees enter absences (where necessary) into ConnX for management approval before the end of each pay cycle
 - iv. Ensure that all records relating to employees are treated as confidential and not disclosed to other employees; and
 - v. Assist with the resolution of any disputes related to this policy.
- 16.2 UOW Pulse employees have a responsibility to:
- i. Comply with the Employee Leave Policy;
 - ii. Enter absences into ConnX for management approval prior to the end of each pay period; and
 - iii. Assist with the resolution of any disputes about the Policy.

17 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	June 2009	Wayne Clark, Senior Business Manager.	New policy developed to supersede the Employee Leave Policy, Policy Number: HR/CON/1-04/1.
2			Migrated into new QA format.
3	Nov 2011	Wayne Clark, Assistant General Manager	Changes to Parental leave clauses in line with NES.



4	Jan 2014	Wayne Clark, Assistant General Manager	Strengthened the need to take leave for health and wellbeing of staff. Added process to take leave at a higher accrued rate where applicable. Removed inconsistencies with taking LSL and the National Employment Standards. Changed 'no leave' in session to 'beginning of session peak'. Re-formatted document by placing LSL and AL under 'accrued leave entitlements'
5	Nov 2015	Wayne Clark, Assistant General Manager	Section 7.2 and 7.30 Increase notice period for taking and returning from maternity leave from 4 weeks to 6 weeks. Section 7.12 to include extension of further 52 weeks in accordance with section 7.2
6	Oct 2018	People and Culture	Changed references from 'UniCentre' to 'UOW Pulse', minor wording changes and adjustments to business processes.
7	June 2019	Shannan Human – People and Culture	Changed custodian details. Added 'Applicable Industrial Agreements' to supporting documents. Added 'as defined by the NES' to 'immediate family' definition. 'before the end of a payroll cycle' added to leave approval communication S4. 5.2 vi updated with audit outcomes to 30 days excessive annual leave. 5.3 added 'where applicable under an employment instrument'. 6.2 added or at management request. 6.2 changed 'award or agreement' to 'Industrial Instrument' to cover contract employees. 7.4 changed 'intended' to 'requested'. 16.1 iii – added management responsibility for entering/approving leave in ConnX. 16.2 ii added employee responsibility for entering leave into ConnX. 5.3 i additional of reason for annual leave loading



APPENDIX A

Recognition of leave accrued in excess of contracted weekly hours – see clause 5 of this policy.

Name: _____ Staff no: _____

Current weekly hours worked: _____

Unit: _____

Manager: _____

Period of greater weekly hours worked (payroll report to be attached)

From: _____ To: _____

Average weekly hours: _____

Date leave to commence: _____

Final day of leave date: _____

Return to work date: _____

Signatures: the parties agree to the taking and payment of leave at the average weekly hours specified in this document for the specified period only.

Employee: _____ Date: _____

Manager Approval: _____

Date: _____