



AIH Staff Leave Policy and Procedure

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Related Documents	Staff Induction Policy Staff Induction Procedure Staff Code of Conduct Work Health and Safety Policy and Procedure Delegations of Authority

1. Purpose

This Policy and Procedure seeks to clarify the leave process for staff employed by the Australian Institute of Higher Education Pty Ltd ('the Institute'). The Institute endeavours to, where possible, approve leave requests by employees in order to best accommodate personal, family, work and community commitments, without compromising the achievement of the Institute's business objectives.

Leave entitlements are outlined under the National Employment Standards in the Fair Work Act 2009 (Cth) ('the Fair Work Act').

The purpose of this policy is to set out employees' entitlements to leave and the manner in which leave must be requested by employees. To the extent of any inconsistency between this policy and the legislation referred to above, the provisions of the legislation shall prevail.

In so far as this policy imposes any obligations on the Institute (ie those in addition to those set out in legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees (ie those in addition to those set out in legislation), they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

2. Principles

The key principles informing this Policy and Procedure are:

- the Institute has an obligation to provide minimum leave benefits according to the National Employment Standards (NES) and Educational Services (Post-Secondary Education) Award 2020;
- leave approvals will follow the Delegations of Authority;
- the management team has a responsibility to manage leave of staff in a manner that assures continuity of business as usual operations;
- non-teaching staff will not normally be approved to take leave during the weeks prior to, or during, the first 3 weeks of a teaching period;

- teaching staff will not normally be approved to take leave during teaching periods;
- all staff involved in managing personal records or private information concerning leave are bound by the requirements stated in the Educational Services (Post-Secondary Education) Award 2020 regarding confidentiality of such information;
- the executive team is responsible for managing annual leave accrual with the aim of ensuring staff are able to take annual leave during mutually agreeable times;
- reporting managers are responsible for ensuring leave requests do not affect operational requirements;
- all staff entitled to leave benefits are responsible for following the leave process and ensuring their reporting manager receive accurate and timely information.

3. Scope

This Policy applies to all staff employed at the Institute who are eligible for leave entitlements as well as their reporting managers and the executive team.

4. Definitions

The definition of leave and leave types are provided for by the National Employment Standards (NES) and stipulated in each employee's contract terms. The Educational Services (Post-Secondary Education) Award 2020 provides additional guidelines for employees and employers.

- **Annual Leave**
- **Personal/Carer's Leave and Compassionate Leave, Community Service Leave, Parental Leave, Long Service Leave and Public Holidays:**
- **Time off in lieu of payment for overtime (TOIL):** An employee and employer may agree in writing to the employee taking time off instead of being paid for a particular amount of overtime that has been worked by the employee. Any amount of overtime that has been worked by an employee in a particular pay period and that is to be taken as time off instead of the employee being paid for it must be the subject of a separate agreement. In such cases, the process stipulated in the Educational Services (Post-Secondary Education) Award 2020 will be used to guide agreement as to how the excessive leave accrual is addressed. The attached form to be completed.
- **Excessive Leave Accrual:** Educational Services (Post-Secondary Education) Award 2020 defines excessive leave as 8 weeks or more accrual of paid annual leave. In such cases, the process stipulated in the Educational Services (Post-Secondary Education) Award 2020 will be used to guide agreement as to how the excessive leave accrual is addressed.
- **Annual Close-down:** The Institute closes its operations during the Christmas and New Year period, and permanent staff are required to take annual leave to cover the period of the close-down. If staff have insufficient leave to cover the close-down period, they will be given unpaid leave for the duration of the close-down.
- **Special Leave:** In special circumstances, permanent staff may be granted leave on application. This leave is at the discretion of the Principal and may be paid or unpaid depending on the circumstances.
- **Unpaid leave:** All staff are entitled to apply for unpaid leave. Approval will be based on a case by case basis, except for situations involving family or domestic violence.
- **Unpaid leave in cases of family or domestic violence:** As per the Educational Services (Post-Secondary Education) Award 2020 in cases of family or domestic violence all staff are entitled to 5 days annual unpaid leave, for which the process and guidelines are provided for in this award.

5. Procedure

Staff are encouraged to take their annual leave entitlements each year to help promote a healthier workplace and enable staff to work to their best potential.

Staff members with leave accruals of more than six weeks (pro rata for part-time staff) may be directed by the Dean or Chief Executive Officer to take up to one quarter of that leave. These dates should be negotiated and agreement reached. If no agreement is reached, the Institute may specify the dates that leave is to be taken and the staff member must take the leave accordingly.

Staff employed on a full-time or part-time basis may apply for leave using the following processes.

Planned leave

1. Staff must discuss leave plans with their reporting manager with reasonable notice and summarise this request in an email.
2. The reporting manager will assess the operational requirements for the staff member's role during the time they are requesting for leave.
3. If the leave request is 10 days or less, the reporting manager can pre-approve the leave request pending confirmation of the balance of leave hours accrued versus requested leave hours by either sending a request via email to Accounts or checking the status in Employment Hero.
4. Once confirmed by the reporting manager the staff member may then apply for leave via Employment Hero with the reporting manager as the approving authority.

If the leave request is longer than 10 days the request must be made in an email to the Principal/CEO from the reporting manager before the application is made on Employment Hero.

Unplanned Personal/Carer's Leave

1. In the event of unplanned personal or carer's leave, staff must contact the reporting manager and their subordinates (if applicable) as soon as practicable to inform them of the situation.
2. If the unplanned personal or carer's leave affects teaching responsibilities, the reporting manager is responsible for informing Students as well as Student Services as soon as practicable. Students will be notified of change to classes via text message, Moodle mail and announcements.
3. If personal or carer's leave is longer than 1 day it must be supported with a relevant medical certificate, which will be stored on the staff member's personnel file.
4. The reporting manager will provide details of the personal or carer's leave to Accounts via email copying in the relevant management personnel.
5. Staff are expected to apply for leave via Employment Hero with the reporting manager as the approving authority as soon as practical.

6. Legislation

This Policy and Procedure is written in accordance with the National Employment Standards (NES) Educational Services (Post-Secondary Education) Award 2020, and applicable Australian Codes of Practice and Standards as specified by the Fair Work Commission.

7. Version Control

This Policy has been endorsed by the Australian Institute of Higher Education Board of Directors as at 24 September 2020 and is reviewed every 3 years. The Policy is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

Change and Version Control

Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2020.1	CEO	Creation date.	24 September 2020	25 September 2020



Agreement for Time Off In Lieu (TOIL) of Payment for Overtime

Name of employee: _____

Name of reporting manager: _____

AIH and the employee agree that the employee may take time off instead of being paid for the following amount of overtime that has been worked by the employee:

Date and time overtime started: ___/___/20____am/pm

Date and time overtime ended: ___/___/20____am/pm Amount of

overtime worked: _____ hours and _____ minutes

The employer and employee further agree that, if requested by the employee at any time, the employer must pay the employee for overtime covered by this agreement but not taken as time off. Payment must be made at the overtime rate applying to the overtime when worked and must be made in the next pay period following the request.

Signature of employee: _____

Date signed: ___/___/20__

Name of AIH Manager: _____

Date signed: ___/___/20__

Signature of AIH representative authorising: _____

Date signed: ___/___/20__