

## APPLICATION

This Procedure applies to staff employed in accordance with:

1. The *University of South Australia Enterprise Agreement 2019* (the Enterprise Agreement)
2. The *University of South Australia Senior Staff Collective Agreement 2006* (SSCA)
3. Australian Workplace Agreement (AWA)

## OVERVIEW

This Procedure reflects the preferred practice of the University and provides a guide to the application and management of Special Leave and should be read in conjunction with clauses 45 (special leave) and 47 (domestic violence leave) of the Enterprise Agreement and the National Employment Standards in the *Fair Work Act 2009*, in relation to community service leave and family and domestic violence leave.

## PROCEDURE

### 1. Special Leave with Pay

#### Entitlement

- 1.1 The following categories of special leave with pay may be approved by the supervisor in accordance with the Vice Chancellor's Authorisation Framework:

Categories	Maximum periods which may be granted to a staff member in a financial year
Emergency service calls	As required by emergency service organisation
Jury service	As required by the Sheriff
Training courses for Emergency Services Activities	Ten (10) days
Blood Donation <i>**not applicable to senior staff employed under the SSCA or staff employed under an AWA</i>	Reasonable attendance and travel time on each occasion
Participation in National and International sporting events	National – Five (5) days over a two (2) year period International – Fifteen (15) days over a two (2) year period
Urgent pressing necessity	Three (3) days
Moving house	One (1) day every three (3) years
Military leave	See clause 3 (military leave) of this Procedure
Trade union training/business leave** <i>**not applicable to senior staff employed under the SSCA or staff employed under an AWA</i>	See clause 4 (trade union training/business leave) of these Procedures
Family and domestic violence leave	See clause 5 (family and domestic violence leave) of this Procedure

- 1.2 Special leave with pay may only be granted to a continuing or fixed term staff member, except for family and domestic violence leave which also applies to a casual staff member. Where the staff member makes a formal application, the supervisor (or relevant VCA holder) may determine that the circumstances of any particular application warrant approval of special leave with pay. If appropriate, additional information may be sought before determining approval.
- 1.3 An application for special leave with pay can be made through [myHR](#). For family and domestic violence leave please refer to clause 5 of this Procedure for details on the process to apply for leave.
- 1.4 Special leave with pay will be granted in periods of one (1) hour or greater.
- 1.5 Time off with pay is to be granted in all cases where the authenticated reason for absence was an emergency service call or jury service.
- 1.6 In exceptional circumstances, the Vice Chancellor may approve special leave with pay in addition to the entitlements above.

## **2. Special Leave Without Pay**

### Entitlement

- 2.1 Special leave without pay may only be granted subject to the determination by the supervisor in accordance with the Vice Chancellor's Authorisations, where a staff member makes a formal application.
- 2.2 All leave without pay is to be granted and recorded in working days; except as specified in the [Cultural Leave Procedure](#).
- 2.3 Staff members are expected where possible to provide the University reasonable notice of their request to take leave without pay to enable proper consideration of their application.
- 2.4 Full-time staff members who wish to engage in paid employment outside the University during any period of special leave without pay must seek the approval of the Executive Director: People, Talent and Culture.
- 2.5 There is no entitlement to payment for public holidays which fall during a period of leave without pay.

### Effect of Leave Without Pay on Entitlements

- 2.6 Leave without pay (in a continuous period or an aggregated total period) in excess of twenty two (22) working days in a financial year will not count as service or effective service for other leave entitlements.
- 2.7 No period of leave without pay will count for service for:
  - a) Incremental progression.
  - b) Superannuation.
- 2.8 Leave taken due to workers compensation and parental leave (first fifty-two (52) weeks) is exempt from clauses 2.6 and 2.7.

## **3. Military Leave**

- 3.1 A staff member who is a volunteer member of the Australian Defence Force Reserve (including Army, Naval or Air Force) and as such is required to attend one (1) or more compulsory camps of continuous training in a year and occasionally a non-compulsory camp or course, may be granted special leave.

### Entitlement

- 3.2 Up to fourteen (14) calendar days on full pay in aggregate in any financial year for compulsory camps of continuous training.
- 3.3 Up to a further fourteen (14) calendar days in any financial year for additional training, these can be in half or single days or a continuous period. The University will fully fund the additional fourteen (14) days' pay without applying any 'make-up' pay calculations. An application for reimbursement of the Employer Support Payment for this additional fourteen (14) calendar days can be applied for by the supervisor from the Australian Defence Force.
- 3.4 Military leave additional to that outlined above which is required by a staff member must be taken without pay or the staff member may utilise annual leave or may apply for long service leave (if eligible) for the period of training.
- 3.5 Leave granted under this clause will be recorded as "military leave".
- 3.6 Leave granted under this clause will count as service for all purposes.

### Employer Support Payments

- 3.7 Supervisors are encouraged to seek Employer Support Payment entitlements from the Department of Defence whenever a reservist/staff member is on Defence Reserves service.

3.8 The University can only claim an Employer Support Payment if the staff member is released on Defence leave or leave without pay. If a staff member is required to use their own leave entitlements, the University is not entitled to claim an Employer Support Payment for that period of leave.

3.9 Further information about the Employer Support Payment provisions is available on the Australian Defence Force Reserves web site.

#### Full-time Service

3.10 Reservists who are called out for full-time service (e.g., as part of a peacekeeping or humanitarian aid operation) are to be granted special leave without pay.

3.11 The effect on entitlements will be in accordance with the clause on special leave without pay.

3.12 Any staff member who returns to duty after full-time service will:

- a) Unless agreed otherwise with the staff member, return to the position which they occupied immediately prior to such an absence.
- b) In the event that the position they occupied immediately prior to such absence is not available due to reorganisation of the work unit, they will be appointed to a position equivalent in status and classification to the position formerly occupied. The location of that position will be agreed between the staff member and the University.

## **4. Trade Union Training/Business Leave**

### Entitlement

4.1 Subject to any genuine operational requirements of a relevant work area, special leave with pay will be granted to union members for the following purposes and roles:

- a) To attend short trade union training courses conducted by or with the support of the Unions relevant to the business of the Union/s or industrial relations in the workplace.
- b) Union delegates will be permitted reasonable time to conduct official union business which requires the personal attendance of the staff member.

4.2 Official union business includes;

- a) Branch Committee meetings of which the staff member is a member.
- b) Meetings of State union bodies of which the staff member is a member.
- c) Meetings of the union National Council of which a staff member is a union National Executive member or member.

4.3 All other costs related to attendance at a course or meeting are the responsibility of the union.

4.4 A maximum of ten (10) days special leave with pay will be granted over any two (2) year period to any union member.

4.5 Additional special leave with pay may be granted in special circumstances at the discretion of the Executive Director: People, Talent and Culture but in no case will the period of absence exceed twenty (20) working days in two (2) years.

### Approval of Trade Union Training/Business Leave

4.6 Approval of trade union training/business leave is subject to any genuine operational requirements of the staff member's work area at the approval of the supervisor.

4.7 Reasonable notice must be provided by the staff member and/or relevant union to the University.

4.8 Applications for trade union training, attendance at national conferences and meetings must be supported with documentation from the relevant union confirming the staff member's attendance. Approval of an application rests with the relevant supervisor.

4.9 Prior to a staff member taking trade union training/business leave, the staff member is required to complete and submit an online leave request through [myHR](#) or using the [HRIS008 Leave of Absence](#) Form. The leave must be authorised by the supervisor.

## **5. Family and Domestic Violence Leave**

5.1 New minimum standards for family and domestic violence leave, as provided by the National Employment Standards (NES) and set out below, are additional provisions to those outlined in clause 47 of the Enterprise Agreement. These additional entitlements are effective from 1 February 2023.

### 10 Days Paid Leave Per Annum

- 5.2 Continuing, fixed term and casual staff are entitled to ten (10) days paid family and domestic violence leave in each twelve (12) month period of employment. This entitlement applies to all staff irrespective of whether they are covered by the Enterprise Agreement, SSCA or an AWA.
- 5.3 The leave is intended to assist staff members who experience family and domestic violence, that is violent, threatening or arises from other abusive behaviour by a close relative of the staff member, a member of their household, or a current or former intimate partner of the staff member, that seeks to coerce and control the staff member and causes them harm or to be fearful.
- 5.4 Family and domestic violence leave does not accumulate from year to year and any untaken leave is not paid out on cessation of employment.
- 5.5 Continuing, fixed term and casual staff are entitled to access ten (10) days of paid family and domestic violence leave on 1 February 2023 and the ten (10) day entitlement resets on the staff member's employment anniversary for each year thereafter. For example, a staff member who starts employment with the University on 11 October 2022 is entitled to ten (10) days of paid family and domestic violence leave on 1 February 2023 and the entitlement would thereafter reset on 11 October of each year of their employment with the University.
- 5.6 The employment anniversary date for a fixed term and casual staff member is taken to be the start of the staff member's first employment with the University.

### Application for Leave

- 5.7 A staff member seeking to access their family and domestic violence leave ten (10) day per annum entitlement should contact either their line manager or relevant [Strategic People Partner](#) (SPP) at the earliest possible opportunity.
- 5.8 A continuing or fixed term staff member may apply for paid leave through [myHR](#). In the leave type menu the staff member should select 'special leave with pay' and in the reason menu should select 'other'. Once submitted the staff member's online request will be sent to the relevant supervisor for review and approval.
- 5.9 A casual staff member may apply for paid leave by submitting a completed [HRIS008 Leave of Absence](#) Form and a completed [Casual Pay Calculator](#) to the relevant casual supervisor for review and approval.
  - 5.9.1. In section 2 of the HRIS008 form, the leave type should be entered as 'special leave with pay – other' and the number of rostered hours of work the staff member is seeking to take as paid leave should be provided.
  - 5.9.2. The Casual Pay Calculator will calculate the total pay for the number of rostered hours the staff member is seeking to take as leave and must be submitted with the HRIS008 form.
  - 5.9.3. The relevant SPP will support casual staff with any queries relating to the HRIS008 Leave of Absence Form or the Casual Pay Calculator.
  - 5.9.4. After signing section 4 of the HRIS008 Leave of Absence Form, the casual staff member must email both completed documents to the relevant casual supervisor for review and approval.
- 5.10 A staff member may be required to provide evidence in support of an application for the leave that would satisfy a reasonable person of the staff member's need to access paid family and domestic violence leave. This may include, but is not limited to, documents issued by police or the court, a family violence support service, or a statutory declaration.
- 5.11 A staff member may request to implement or change a flexible work arrangement and/or to change a staff member's work location, phone number, and/or email address. Any such request can be addressed in the first instance with the support of either the line manager or relevant [SPP](#).

### Additional Domestic Violence Leave by Application

- 5.12 If a continuing, fixed term or casual staff member covered by the Enterprise Agreement exhausts their ten (10) days paid family and domestic violence leave entitlement within a twelve (12) month period and prior to the entitlement resetting on their employment anniversary, clause 47 of the Enterprise Agreement enables a staff member to apply to the Executive Director: People, Talent and Culture (ED: PTC) for approval for special leave, with or without pay.
- 5.13 An application to the ED: PTC for additional domestic violence leave can be made by email and should include the amount of leave requested specifying whether the request is for leave with or without pay and the reasons for the leave request (e.g. to attend court proceedings or other reasons). The ED: PTC may seek additional information before deciding on an application as appropriate.
- 5.14 The ED: PTC will consider the staff member's circumstances in determining whether additional domestic violence leave will be approved and the amount of additional leave to be approved.

### Payment for Leave

- 5.15 A continuing or fixed term staff member will be paid at their normal hourly rate of pay for each hour taken as family and domestic violence leave.
- 5.16 A casual staff member taking paid family and domestic violence leave will be paid as if the staff member had worked the hours in the period for which the staff member was rostered. A casual staff member is taken to have been rostered to work hours in a period if the staff member has accepted an offer of work for those hours.
- 5.16.1. The [Casual Pay Calculator](#) will be used to calculate the total pay for the number of rostered hours the staff member is seeking to take as leave and must be submitted with the HRIS008 form.

### Confidentiality and Privacy

- 5.17 All personal and/or sensitive information will be kept confidential by the ED: PTC, relevant SPP or supervisor in accordance with the University's [Workplace Confidentiality Guidelines](#) and [Privacy Policy](#).
- 5.18 The University may have an obligation to share personal and/or sensitive information with relevant authorities (e.g., SAPOL) where an unacceptable risk to a staff member or children in their care is identified.
- 5.19 Where required and/or relevant, any sharing of personal and/or sensitive information will be advised to the staff member.

## **RESPONSIBILITIES AND/OR AUTHORITIES**

### **Supervisor**

The supervisor is responsible for facilitating the leave management process in accordance with these Procedures and the relevant Vice Chancellor Authorisation (i.e. 11.1, 11.4.a, 11.4.b), and providing a staff member with confidential support when requested.

### **Strategic People Partner**

Strategic People Partners are responsible for providing confidential support to a staff member experiencing family and domestic violence and requesting access to paid or unpaid family and domestic violence leave and for facilitating arrangements within the staff member's work area through liaison with the relevant supervisor and/or casual contract supervisor.

### **Staff Member**

All staff members are required to manage their leave requests and any approved leave arrangements in accordance with this Procedure.

### **People, Talent and Culture**

The Executive Director: People, Talent and Culture is responsible for managing applications for additional family and domestic violence leave in accordance with clause 5.12 of these Procedures and the development and continuous improvement of this Procedure.

## **REFERENCES**

- [Cultural Leave Procedure](#)
- [Flexible Work Arrangement Procedure](#)
- [Workplace Confidentiality Guidelines](#)
- [Enterprise Agreement](#)

## **FURTHER ASSISTANCE**

Supervisors, casual staff administrators and staff members may seek further advice from:

- Their supervisor
- The relevant [Strategic People Partner](#) representative for their work area
- [People Talent and Culture](#) home page
- [AskPTC](#)

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