4.4 SICK LEAVE

These guidelines explain the entitlements of staff for leave due to illness or injury and how to apply for sick leave.

Sick leave provisions are found at clause 29 of the Professional Staff Agreement 2014, clause 25 of the Academic Staff Agreement 2014 and clause 18 of the Senior Staff Group Agreement 2013.

All continuing and fixed-term staff are entitled to paid sick leave. Staff may also access their sick leave in the form of personal leave to provide care for sick relatives or household members, or for bereavement due to the death of a relative or household member, in accordance with the provisions for Personal Leave.

Sick leave accumulates with each calendar year of service and is reduced by any sick leave taken. Part-time staff and staff employed on a part-year basis are entitled to pro-rata accrual of the full-time rate. Casual staff are paid a salary loading in lieu of leave entitlements and therefore are not entitled to paid sick leave.

Fixed-Term Staff
When determining the entitlement to sick leave for staff employed on fixed-term contracts (with the exception of research staff), breaks between fixed-term appointments of up to two times per year and of up to six weeks on each occasion shall not constitute breaks in continuous service.

Fixed-term academic research staff will have their untaken sick leave carried over from previous fixed-term research appointments except where the period of the break between such appointments is six months or more.

SICK LEAVE BALANCE
You can view your sick leave balance and leave taken in neo Employee Self Service (ESS) or on your payslip at http://www.neo.uts.edu.au/.

AUTHORITY TO APPROVE SICK LEAVE
Your supervisor has the authority to approve your application for sick leave and has the responsibility for managing sick leave when staff are absent for an extended period. If you are unable to attend work through illness or injury, you should notify your supervisor as soon as reasonably practicable and within 24 hours of normal commencement of duty. You should advise your supervisor of the nature of your illness or incapacity and the likely length of absence. The minimum amount of sick leave you can take is one hour.

You must submit an application for sick leave through neo as soon as practicable after returning to work.

Your supervisor can decline your application for sick leave if they are able to demonstrate that sick leave is not being used for its proper purposes. In this case, you may be required to take leave without pay or to use any other paid leave that you have available.

REQUIREMENT TO PROVIDE A MEDICAL CERTIFICATE
A medical certificate stating the nature and expected duration of the incapacity is required when you:
- take four or more consecutive days of sick leave.
- take four or more consecutive days of sick leave to care for a sick relative or household member (the medical certificate will establish the illness of the relative or household member).
- have taken more than five days sick leave (continuous or non-continuous) during the first three months of your employment with UTS and wish to apply for further paid sick leave within that period.
• apply for paid sick leave and have exhausted your sick leave entitlements but your entitlement for the following year is almost due
• apply for sick leave without pay
• apply for special sick leave
• apply to re-credit annual or long service leave if you have been sick for five or more consecutive working days during such leave
• have been directed to provide a medical certificate on future absences by the Director, Human Resources.

A ‘medical certificate’ must be issued by registered or licensed health practitioner and be issued in respect of the area of practice in which the practitioner is registered or licensed. If it is not reasonably practicable to provide a medical certificate then a statutory declaration may be made.

The medical certificate must disclose sufficient information in order for the University to make an informed decision regarding your eligibility to access leave (whether the circumstances relate to personal or family leave) and should state the period of leave required. If sufficient information is not provided, you may be asked to provide further information.

The medical certificate must be provided to your supervisor. If you would prefer the nature of the illness or injury to remain confidential, then you should submit the medical certificate, marked ‘confidential’, to the Director, Human Resources (or nominee).

If you do not provide a medical certificate when you have taken four or more consecutive days of sick leave, the first three days will be debited to your sick leave record and the subsequent days will be debited to other available paid leave or leave without pay.

MANAGING SICK LEAVE
Supervisors are responsible for managing sick leave and will ensure that medical certificates are submitted to Payroll, Financial Services Unit in a timely manner. Your supervisor can submit an online leave application on your behalf if you are unable to. Your supervisor will advise that your leave record has been adjusted accordingly.

The Director, Human Resources may require a staff member to provide a medical certificate for all future absences on sick leave regardless of duration, for up to 6 months.

PAID SICK LEAVE
Sick leave is paid at your normal rate of remuneration. If you are being paid an allowance the following provisions apply:
• for relieving allowance or higher duties allowance, you are paid at the higher rate for all sick leave taken during the period of relieving appointment / higher duties
• shift workers will not be paid shift allowance for any sick leave absence
• on-call allowance is not paid for sick leave absences that extend beyond five working days.

WHEN SICK LEAVE RUNS OUT
If your sick leave entitlement has been exhausted, you may apply to use other forms of leave including:
• leave without pay (LWOP) – no medical certificate required
• sick leave without pay (SLWOP) – medical certificate required
• flexitime, time in lieu, rostered day off – no medical certificate required
• annual leave – no medical certificate required
• long service leave – no medical certificate required
• special sick leave – medical certificate required and requires approval of Director, Human Resources
If you have used all of your sick leave and your sick leave entitlement for the next year is almost due to be credited, then your supervisor may use their discretion to access sick leave (in advance) provided you supply a medical certificate.

Using other forms of leave for sick leave can affects your entitlements as follows:

(i) Leave without pay (LWOP): does not count as service for the purposes of determining entitlements and may impact your superannuation

(ii) Sick leave without pay (SLWOP)
- counts as service for the purposes of
  - annual leave accrual
  - long service leave accrual (except when SLWOP exceeds six months when aggregated for the purposes of calculating the completion of ten years’ service)
  - sick leave
  - personal leave
  - incremental progression (except when, for professional staff, the SLWOP exceeds six months when aggregated within a 12 month period. In this instance incremental progression will not be considered until the following year), and
  - eligibility for financial assistance for study at UTS.
- does not count as service for the purposes of determining eligibility for the Professional Experience Program (PEP)
- compulsory superannuation payments may continue to be required (depending on the superannuation fund you are with, you will need to contact your Superannuation Fund for advice)
- employer superannuation contributions will continue to be paid by the University for a period up to six months SLWOP. If you are not in UniSuper and are still on SLWOP after six months, you may need to pay the employer contribution direct to the University

Special Sick Leave
Up to 20 days paid special sick leave may be granted by the Director, Human Resources (or nominee), to a staff member who is terminally or critically ill and on an extended period of leave. Special sick leave may only be granted when normal sick leave and other entitlements have been exhausted. Staff will need to provide a medical certificate and may take the leave at half pay. An application for special sick leave should be submitted in writing through your supervisor to the Director, Human Resources (or nominee).

USING SICK LEAVE TO CARE FOR A RELATIVE OR HOUSEHOLD MEMBER
A “relative” is defined as:
- Spouse, former spouse, de facto spouse or former de facto spouse (de facto spouse includes partners of the same sex) or
- Child or adult child (including adopted child, step child, ward, ex-nuptial child), parent (including step-parent), grandparent, grandchild or sibling (including step-half sibling) of the staff member or staff member’s spouse as defined above.

There may be definitions of “relative” which are not included here but due to wider kinship and family networks of many non-Anglo/Celtic cultures would be considered appropriate for this purpose.

Some examples of when you can use your sick leave to care for a relative or household member include:
- caring for a sick relative or household member
• accompanying a relative to a medical appointment where there is no element of emergency
• staying with a sick relative in hospital
• bereavement due to the death of a relative or household member.

A medical certificate is required to establish the illness of the person concerned if sick leave of four days or more is requested.

For more information regarding family leave refer to the Personal and Community Leave Guidelines.

SICK LEAVE AND HEALTH AND SAFETY RESPONSIBILITIES
All staff have a responsibility for the health and the safety of themselves and of others in the workplace. If you attend work while suffering from an illness that could pose some health risk to other staff, students, or members of the public then you may be required to cease duty and/or not return to work until you no longer pose a health risk. In some circumstances it may necessary for you to also attend a medical examination to determine your fitness to continue or resume duty.

If you lodge a worker’s compensation claim for a work related illness or injury, you may be required to use your existing sick leave entitlements until a decision is made by the insurer concerning acceptance of the claim. If the claim is accepted, the sick leave deducted will be re-credited to you.

Medical Assessments
In exercising its duty of care, the University may require a staff member to undertake a medical assessment (paid for by the University) if for example an illness or injury:
• extends for a considerable period of time
• is such that it is difficult to assess when the staff member is likely to return to work or whether they pose a health and safety risk to the staff member or others
• affects the capacity of a staff member to perform the inherent requirements of their position.

Generally, the request for a medical assessment would be initiated by the supervisor or manager in consultation with HR. If this is required, then you will be provided with details in writing of the medical examination.

Separation from Employment on Medical Grounds
The following clauses of the enterprise agreements explain the arrangements that would apply in circumstances where separation from employment on medical grounds may be appropriate:
• Professional Staff Agreement 2014 – Clause 58
• Academic Staff Agreement 2014 – Clause 53
• Senior Staff Group Agreement 2013 – Clause 36

SICKNESS DURING ANNUAL LEAVE OR LONG SERVICE LEAVE
If you are on approved annual or long service leave and you become ill or you need to care for a relative or household member, you may apply for the re-crediting of such leave under the following conditions:
• you notify your supervisor at the earliest opportunity
• provide a medical certificate, and
• the period of the illness or injury is a minimum of five consecutive working days.

Applications for re-crediting of other leave must be made by completing an “Application to Cancel or Amend a Leave Request” and forwarding it to Payroll.
SICKNESS DURING PROFESSIONAL EXPERIENCE PROGRAM (PEP)
Staff who are ill during the period of approved PEP may apply for the relevant period of PEP to be recredited for use at a later date. For further information, refer to the PEP Vice-Chancellor's Directive.