4.5 PERSONAL AND COMMUNITY LEAVE

INTRODUCTION
UTS recognises that its staff are members of families and communities and that they may need to be absent from work in order to meet unforeseen or planned personal, family and community demands. UTS provides personal and community leave to assist staff to meet their personal, family and community responsibilities. These guidelines explain your entitlements and provide advice on how to apply for personal or community leave.

The Personal and Community Leave provisions of the collective agreements are contained in:

> clause 30 and 34 of the Support Staff Agreement 2010
> clause 19 and 23 of the Senior Staff Group Collective Agreement 2007, and
> clause 26 and 30 of the Academic Staff Agreement 2010.

ELIGIBILITY
Staff appointed on a continuing, fixed-term or probationary basis are eligible to apply for personal or community leave.

Casual staff are not eligible for paid personal leave or community leave but are eligible for unpaid carer’s leave in accordance with the requirements of the Workplace Relations Act (refer to relevant section below).

DEFINITIONS
‘Relative’ is defined as follows:

(a) spouse, former spouse, a de facto spouse, or former de facto spouse (de facto spouse includes partners of the same sex) or
(b) child or adult child (including adopted child, step child, ward or ex nuptial child), parent (including step parent), grandparent, grandchild or sibling (including step- or half-sibling) of the staff member or staff member’s spouse as defined in (a) above

There may be definitions of "relative” which are not included here but that, due to the wider kinship and family networks of many cultures, would be considered appropriate under these guidelines. You will need to discuss your circumstances with your supervisor. For assistance, contact Equity and Diversity Unit or Human Resources Unit.

‘Medical certificate’ means a certificate issued by a person registered or licensed as a practicing health practitioner and the certificate is 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.

PERSONAL LEAVE

Personal leave entitlement
Full-time staff may be granted up to seven days personal leave with pay per calendar year. Personal leave is not cumulative from year to year. The following categories of staff will have their entitlement calculated on a pro-rata basis:

> part-time staff
> part-year (support) and sessional (academic) staff
> staff on fixed-term appointments of less than twelve months
> staff on continuing or fixed term appointments who commenced during the calendar year
staff who have taken leave without pay.

Breaks between fixed-term appointments of up to two times a year and of up to six weeks on each occasion will count as continuous service for the purposes of calculating entitlement to personal leave.

Circumstances Applicable to Personal Leave
You can apply for personal leave under circumstances including but not limited to those listed below:

> to provide care or support to relatives or members of your household who are ill
> bereavement due to the death of a relative or household member
> to deal with an emergency situation arising due to fire, flood, burglary or other unforeseen event beyond your control
> where the carer of your child is unable to look after the child
> attendance at your own graduation, citizenship and justice of the peace ceremony (normally expected to be up to half a day for each ceremony)
> moving house (normally expected to be up to one day per twelve months)
> appointments and commitments associated with pre and post natal responsibilities
> to adhere to and celebrate cultural or religious days of observance (under Community Leave there is an entitlement to one day of paid leave for Indigenous Australian staff to participate in NAIDOC Day).

The above does not represent a complete list. There may be other circumstances for which staff may seek personal leave. Supervisors should use their judgement in determining whether such other circumstances are appropriate for personal leave or seek advice from the Human Resources Unit (refer to section, Contacts, below).

Further information in relation to some of the circumstances set out in the above list is provided below:

Bereavements
On the occasion of the death of a relative or household member, you can apply for personal leave up to seven days. If you have already used some or all of your personal leave for other purposes you may apply to access your accrued sick leave for bereavement. You may apply for a period of sick leave up to three days or, to attend a funeral held overseas, up to seven days. You may also apply for annual leave, long service leave or leave without pay to cover additional necessary periods of absence.

Bereaved staff who are unable to return to work due to emotional or stress related illness following a bereavement may apply for sick leave. A medical certificate must accompany sick leave when four or more consecutive days are taken (refer to Sick Leave Guidelines).

In exceptional circumstances such as multiple deaths within a family and/or household in a twelve-month period, the Director Human Resources may grant additional paid personal leave.

Supervisors may seek advice from the relevant HR Partnership team or the Equity and Diversity Unit when handling requests for additional leave for bereavement to meet cultural obligations.

Attendance at your own Graduation/Citizenship/Justice of the Peace ceremony
A half-day's leave is available for each occasion a staff member is required to attend the above ceremonies. Copy of the award or accreditation will be required. Personal leave is not available to attend the Graduation/Citizenship/Justice of the Peace ceremonies of others.
Cultural and religious events and ceremonies
Because of their cultural and associated religious belief systems staff may be required to participate in cultural and religious ceremonies during their normal hours of work. You should be able to show that you have cultural or religious affiliations requiring observance of the day and that the day is significant in the particular cultural or religious calendar. The University expects supervisors to be sensitive and flexible in their consideration of requests from staff for leave to attend such events and ceremonies. This may involve paid leave, leave without pay or flexible hours or a combination of all three.

Aboriginal and Torres Strait Islander staff
Indigenous Australian staff members may use their personal leave for cultural or ceremonial purposes. In addition one day's paid community leave is available for Indigenous Australian staff to participate in NAIDOC Day. If further leave is required by Indigenous Australian staff for cultural and ceremonial purposes then they may explore other leave options including annual leave, long service leave, flexible hours or leave without pay.

Family and Carers
In addition to the seven days personal leave, you are entitled to access your sick leave entitlement for absences to provide care and support during illness of a relative or household member. Some examples of when personal leave or sick leave may be taken to care for a family or household member include:

> caring for a sick child or elder relative
> accompanying a relative to a medical appointment where there is no element of emergency
> staying with a sick child or relative in hospital.

Staff may only use sick leave accrued from 24 October 1995 for this purpose.

There is no limit to the amount of sick leave that may be taken in a year to care for relatives and household members, provided that the staff member has accrued sick leave available. However a medical certificate is required to establish the illness of the person concerned if family leave of four days or more consecutive days is requested. If it is not reasonably practicable for a medical certificate to be provided then the staff member may make a statutory declaration.

A staff member cannot use personal or sick leave to care for their children during school holidays unless their children are sick.

A staff member with responsibilities as a carer may also apply for leave without pay to meet those responsibilities.

UNPAID CARER’S LEAVE FOR CASUAL STAFF
Casual staff are entitled to a period of up to 2 days unpaid carer’s leave for each occasion when a relative or household member requires care or support because of:

> a personal illness, or injury, of the relative or household member; or
> an unexpected emergency affecting the relative or household member.

The casual staff member must notify their supervisor as soon as reasonably practicable (which may be at a time before or after the carer’s leave has started) and state the reason for and anticipated duration of the carer’s leave. The supervisor may require the staff member to provide a medical certificate or statutory declaration in relation to a period of unpaid carer’s leave.
COMMUNITY LEAVE

Community leave is a separate category of leave to personal leave. Community leave may be granted to enable staff to perform a service to the community. This applies only to activities which are not regarded as part of your work at UTS and which are not covered by other forms of leave. The length of the period of paid leave granted will vary depending upon the circumstances. However, the leave is to be limited to the minimum time necessary in each circumstance.

Reas o ns for A pplying for Community leave
Community leave is available under circumstances such as those identified below:

Jury service/attendance as witness by the Crown and/or at Industrial Commission/Conciliation Committee
Leave is available for the duration of the service and/or period required as a witness. Staff must provide evidence of necessity to attend and payment received for jury service must be paid to the University. Your allowances for expenses do not have to be paid to the University.

Volunteer emergency services
Leave is available for the period in which services are required. The staff member concerned must be a member of the voluntary service and provide a certificate of attendance.

Blood donation
Paid leave is available for staff members who wish to donate blood for the period required. Periodically the Red Cross Mobile Blood Service is organised at UTS for staff who wish to donate blood. Further information is available from the UTS Wellbeing web page at http://www.safetyandwellbeing.uts.edu.au/wellbeing/index.html

Military leave
Two weeks leave is available for military leave for attendance at defence forces reserve training programs or courses. Further leave may be available on written certification of its necessity by the staff member's commanding officer.

You should provide prior evidence of necessity to attend together with certificate of attendance and any details of pay received. You will receive differential pay for all military leave periods.

National Aboriginal and Islander Day of Observance Committee (NAIDOC) Day
The University provides one day's paid leave to Indigenous Australian staff to participate in Naidoc Day.

National and international amateur sport
Up to five days paid leave is available for a staff member selected as a national representative to participate in international amateur sport. Up to three days is available for a staff member selected as a state representative to participate in national or interstate major amateur sport.

APPLYING FOR PERSONAL OR COMMUNITY LEAVE
It is your responsibility to ensure that you submit an application for personal or community leave in advance of the period for which leave is requested (where possible) or as soon as practicable after returning to work. For planned personal or community leave, discuss your circumstances with your supervisor and provide the necessary documentation to support your application.

For unplanned personal leave, you should notify your supervisor within 24 hours of normal commencement of duty, stating the reasons of personal leave and the likely length of absence.


A medical certificate is required when four or more consecutive days of personal leave are taken as family or carer’s leave. The medical certificate should be provided by either:

- scanning and attaching your certificate/s in neo when you enter your leave application and providing the original certificate/s to your supervisor for sighting;

  or

- writing your staff number on your medical certificate/s and submit to your supervisor. The medical certificate/s will then need to be forwarded to your Payroll Officer in the Financial Services Unit.

Variations to your Personal or Community Leave must be made by completing an “Application to Cancel or Amend a Leave Request” available from http://www.hru.uts.edu.au/docs/conditions/leave-amend.doc.

If you do not (or cannot) submit a leave application, your supervisor may arrange for your personal leave balance to be adjusted and you will be notified via email of the adjustment. Taking leave without submitting an application could be deemed unacceptable and unethical behaviour and the University may take appropriate action where there is evidence of such behaviour.

**AUTHORITY TO APPROVE PERSONAL OR COMMUNITY LEAVE**

Your supervisor can approve or reject an application for personal or community leave. Supervisors should exercise discretion and each application for personal or community leave should be considered on its merits. Any relevant supporting documentation should be provided to your supervisor when you submit your leave application. If you would prefer the reason for the leave to remain confidential, then you should submit the supporting documentation, marked ‘confidential’, to the Director, Human Resources.

You are required to provide enough information about the reason for personal or community leave to enable a decision to be made as to whether personal or community leave is an appropriate form of leave. If sufficient information is not provided, you may be asked to provide further information. You may provide the further information to your supervisor or the Director, Human Resources (or nominee). If you choose to provide further information to the Director, Human Resources only general information about your circumstances will be disclosed to your supervisor, sufficient to allow your supervisor to fulfill his/her decision-making responsibilities (refer to Provision of Personal Information, Clause 52, Support Staff Agreement 2010 and Clause 46, Academic Staff Agreement 2010).

If your supervisor rejects your application for leave you may refer the application to your supervisor's manager. The onus is on you to clearly establish the purpose and need for the leave. For further advice contact Staff Services in HRU.

**USING OTHER FORMS OF LEAVE WITH PERSONAL LEAVE OR COMMUNITY LEAVE**

You may apply for annual leave, leave without pay, flexible hours (for support staff) and, where applicable, parental leave in conjunction with personal or community leave. As stated above, when caring for sick relatives or household members or in cases of bereavement you may apply to use your sick leave.

**CONTACTS**

For assistance in relation to these personal and community leave guidelines please contact the following:

- **Leave balance enquiries**: Check your leave balance in neo Employee Self Service. For queries regarding your leave balance contact your Payroll Officer http://www.fsu.uts.edu.au/about/index.html#payroll
Staff enquiries
Staff Services on email staffservices@uts.edu.au or extension 1060

Supervisor enquiries
relevant HR Partner in the HR Management Services Team

Human Resources Unit staff and contact details can be found at the HRU Contacts webpage - http://datasearch2.uts.edu.au/hru/services/all.cfm.

## APPROVALS

<table>
<thead>
<tr>
<th>EFFECTIVE DATE</th>
<th>4 May 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>REVIEW DATE</td>
<td>2011 (after Senior staff agreements has been replaced)</td>
</tr>
<tr>
<td>ACCOUNTABLE OFFICER</td>
<td>Director, Human Resources Unit</td>
</tr>
<tr>
<td>CURRENT INCUMBENT</td>
<td>Jennifer Gilmore</td>
</tr>
<tr>
<td>IMPLEMENTATION OFFICER</td>
<td>Workplace Relations &amp; Policy Specialist, HRU</td>
</tr>
<tr>
<td>CURRENT INCUMBENT</td>
<td>Virginia Thomas</td>
</tr>
<tr>
<td>CONTACT NO</td>
<td>Extension 2166</td>
</tr>
</tbody>
</table>

## REVISION/MODIFICATION HISTORY

<table>
<thead>
<tr>
<th>Date</th>
<th>Version</th>
<th>Current title</th>
<th>Summary of changes</th>
<th>Approved/ rejected</th>
<th>Approval authority</th>
<th>Resolution or file number</th>
</tr>
</thead>
<tbody>
<tr>
<td>24/08/06</td>
<td>1</td>
<td>4.5 Personal and Community Leave Guidelines</td>
<td>Updated to align with 2006 collective agreements and current process.</td>
<td>Approved</td>
<td>Director, HR</td>
<td>UR05/121</td>
</tr>
<tr>
<td>22/08/07</td>
<td>2</td>
<td>Unchanged</td>
<td>Consistency with Workplace Relations Act, collective agreements, removal of repetition and reformatting to remove FAQ</td>
<td>Approved</td>
<td>Director, HR</td>
<td>UR05/121</td>
</tr>
<tr>
<td>14/05/08</td>
<td>3</td>
<td>Unchanged</td>
<td>Consistency with SSG Collective Agreement 2007 and other leave guidelines. Definition of medical certificate included.</td>
<td>Approved</td>
<td>Director, HR</td>
<td>UR05/121</td>
</tr>
<tr>
<td>04/05/11</td>
<td>4</td>
<td>Unchanged</td>
<td>Aligned with 2010 Academic and Support Agreement s. Amend procedural process and Neo improvements.</td>
<td>Approved</td>
<td>Director, HR</td>
<td>UR05/121</td>
</tr>
</tbody>
</table>