

4.6 LEAVE WITHOUT PAY GUIDELINES

INTRODUCTION

Leave without pay (LWOP) is an unpaid leave of absence that is granted at UTS's discretion for a variety of reasons. These guidelines do not cover other types of unpaid leave such as sick or parental LWOP or LWOP related to an accepted workers' compensation claim. These guidelines explain the University's arrangements for LWOP and describe the application process.

Conditions governing LWOP are contained in the relevant collective agreements as follows:

Clause 24 Academic Staff Agreement 2006

Clause 22 of the Certified Agreement (Senior Staff Group) 2004

Clause 28 Support Staff Agreement 2006.

ELIGIBILITY

All continuing and fixed term staff are eligible to apply for LWOP, which may be granted at the discretion of the University. Because of the nature of their employment, casual staff are not eligible for leave without pay.

Leave without pay does not break continuity of service. A staff member remains a staff member of the University during leave without pay and the provisions of many policies continue to apply during leave without pay. For example, staff are bound by the University's Code of Conduct, and may apply for positions/promotion rounds advertised within the University.

The minimum amount of LWOP that can be taken is one hour.

REASONS FOR TAKING LWOP

LWOP can be taken to cover short-term absences of a few days that would cause minimal disruption to the work area. Normally LWOP would not be granted if you have annual or long service leave available.

Requests for longer-term LWOP may be made for the following reasons:

- to supplement paid leave for personal reasons (for example, an extended holiday, to accompany a partner on a temporary interstate or overseas posting, to provide an extended period of care for a family member or other person)
- for professional development (for example, to complete an educational qualification)
- to pursue professional interests.

AUTHORITY TO APPROVE

Your supervisor has the authority to approve or reject an application for LWOP for periods up to and including three months. A Dean/Director or equivalent must approve applications for LWOP exceeding three months. If your application is rejected, you may seek advice and a decision from the next level of management.

CRITERIA FOR ASSESSING LWOP APPLICATION

Each application will be assessed on its merits at the time it is considered. The following will be considered:

- whether the operations of the work area will be adversely affected by your absence, for example, loss of irreplaceable skills, potential impact on other staff, cost to recruit and train a replacement if necessary

- the extent any disadvantage will be offset by the advantages to you, or advantages to the work area (particularly when the LWOP is for professional purposes).
- the likelihood of your returning to UTS after taking LWOP
- whether LWOP is the most appropriate form of leave in the circumstances (for example, perhaps a secondment/exchange should be arranged)
- the impact of the leave on probation.

MAXIMUM LWOP AVAILABLE

There is no set maximum period of LWOP as each application is considered on a case-by-case basis on the basis of the criteria specified above. However, it would be unusual for greater than the following periods to be approved:

- one year for LWOP for personal reasons
- two years for LWOP for professional purposes.

Any application to extend LWOP will be treated as a new application.

AFFECT ON OTHER ENTITLEMENTS

Leave without pay does not count as service for the purposes of determining entitlements and conditions including:

- annual leave
- sick leave
- personal leave
- long service leave (except in reference to recognition of prior service with another institution; see sub-clauses 23.6 to 23.7 of the Academic Staff Agreement 2006 and 27.9 and 27.10 of the Support Staff Agreement 2006)
- determining eligibility for parental leave
- determining eligibility for PEP
- incremental progression. For support staff a period of leave without pay of more than six months out of the twelve of a performance review cycle will result in the deferral of an increment for twelve months.
- probation – extended absence on approved LWOP taken during the probation period may result in the adjustment of the probation end date, subject to approval of Director, Human Resources.

AFFECT OF LWOP ON SUPERANNUATION

LWOP will affect your superannuation entitlements, although this varies according to the Scheme, as follows:

- (a) Non-contributory component under the Superannuation Guarantee Scheme (including the “basic benefit”) – UTS’s contributions are not paid during LWOP
- (b) *State Superannuation Scheme* (“old state super”) – employee contributions to SSS remain payable during periods of LWOP although payment may be deferred. You will also be liable for UTS’s contributions for the full period of LWOP if it exceeds six months unless you reduce your unit entitlement. This has implications for your benefits (please discuss with your Super Fund)
- (c) *State Authorities Superannuation Scheme* – both your employee contributions and UTS’s contributions cease for any whole calendar months included in the LWOP, but continue for any “prescribed” leave, for example, maternity LWOP, during which arrangements are to be made to pay both the employee and employer contributions to the University
- (d) *UniSuper* – both your contributions and those of UTS cease for the entire period of LWOP, unless you elect to contribute for both employee and employer contributions during the period of leave.

Please note that this is a summary only and you should contact the Superannuation Officer in the Financial Services Unit for details on 9514 2845.

STUDY ASSISTANCE FOR SUPPORT STAFF MEMBERS

If you take more than one month's LWOP you will not receive financial assistance for study purposes for the semester(s) in which your LWOP falls except in exceptional circumstances. Refer to the Study Assistance for Support Staff Policies available on the HRU website:

http://www.hru.uts.edu.au/manual/6man_dev/mandev.html#6.15

SUPERVISORS' RESPONSIBILITIES

Supervisors are responsible for:

- advising staff of the reasons for refusing an application for LWOP
- forwarding the approved application to Payroll Branch in sufficient time to prevent the overpayment of the staff member
- ensuring that the appointment of replacement staff allows for the early return to work of the staff member on LWOP
- keeping staff on LWOP informed of any significant change to workplace matters that directly affect them.

STAFF MEMBER'S RESPONSIBILITIES

You are responsible for:

- making your own arrangements relating to salary deductions during LWOP (for example, mortgage payments, medical insurance etc)
- making any necessary arrangements with regard to your superannuation
- remaining informed of UTS activities in which you may have an interest, for example, academic promotion or, if proceeding on parental leave (with or without a LWOP component) informing your work area about your wishes to remain informed of workplace matters.

PROCEDURES FOR APPLYING FOR LWOP

You should discuss any leave plans with your supervisor during the performance and development process. As a general rule staff should provide as much notice as possible of their plans for LWOP. Notice of at least six months notice, is normally required but less notice may be accepted by your supervisor. This period of notice would not be required for short-term absences of a few days on LWOP.

You should apply in writing using the "Application for Leave Without Pay Form" at www.hru.uts.edu.au/forms detailing the length of leave requested and the reason for the request. Any request for an extension of LWOP will be treated as a new application.

FURTHER ADVICE

For assistance in relation to LWOP please contact the following:

Staff enquiries: Staff Services on email staffservices@uts.edu.au or extension 1060

Supervisor enquiries: relevant HR Partner in the HR Management Services Team

Current Human Resources Unit staff and contact details can be found at the HRU Contacts webpage - <http://www.hru.uts.edu.au/contacts/index.html>

The LWOP provisions of the collective agreements can be found at: <http://www.hru.uts.edu.au/agreements/index.html>

APPROVALS

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|-------------------------------|--|-------------------|----------------|
| EFFECTIVE DATE | 22 August 2007 | | |
| REVIEW DATE | June 2008 (or as required in accordance with UTS industrial framework) | | |
| ACCOUNTABLE OFFICER | Director, Human Resources Unit | | |
| CURRENT INCUMBENT | Jennifer Gilmore | | |
| IMPLEMENTATION OFFICER | Senior Workplace Relations and Policy Specialist | | |
| CURRENT INCUMBENT | Lisa Carroli | CONTACT NO | Extension 1079 |

REVISION/MODIFICATION HISTORY

| Date | Version | Current title | Summary of changes | Approved/rejected | Approval authority | Resolution or file number |
|-------------|----------------|----------------------------------|--|--------------------------|---|----------------------------------|
| 25/06/2002 | 1 | 4.6 Leave Without Pay Guidelines | LWOP policy rescinded by Council and replaced by Guidelines. | Approved | Deputy Vice Chancellor (Administration) | 93/762 |
| 20/06/2005 | 2 | 4.6 Leave Without Pay Guidelines | Guidelines amended to reflect UTS 2004 enterprise agreements. | Approved | Pro-Vice Chancellor (Teaching & Learning) | 93/762 |
| 22/08/2007 | 3 | 4.6 Leave Without Pay Guidelines | Amended to reflect UTS 2006 collective agreements and neo (HR/Payroll System). | Approved | Director Human Resources | 93/762 |
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