

Flexible Work Arrangements Leave Without Pay Procedure

Section 1 - Purpose / Objectives

(1) This procedure outlines the process regarding a request for leave without pay (LWOP). It implements the University's Flexible Work Arrangements Policy and should be read in conjunction with that Policy.

Section 2 - Scope / Application

(2) Victoria University provides a range of paid leave entitlements most of which are outlined in relevant industrial instruments. On occasion, those leave entitlements may not meet the specific needs of an individual employee and leave without pay may be considered as an alternative option.

(3) This procedure applies to all ongoing and fixed term staff. Casual and sessional employees are not eligible to apply for LWOP unless they have been employed for 12 months or more on a regular and systematic basis and have a reasonable expectation of ongoing employment.

(4) This procedure does not apply to employees taking unpaid leave as part of parental or personal leave arrangements prescribed by the relevant enterprise agreement.

Section 3 - Definitions

(5) Nil

Section 4 - Policy Statement

(6) Nil

Section 5 - Procedures

Part A - Roles and Responsibilities

Role	Responsibilities
Managers / Supervisors	Implement the University's Flexible Work Arrangements Policy and the applicable procedure in the manner outlined.
Staff	Comply with the University's Flexible Work Arrangements Policy and applicable procedure.

Part B - General

(7) LWOP may be granted for:

- a. Professional development opportunities, including study, research or secondment outside of the University. Employees seeking to undertake study should also refer to the Professional Development Policy for advice regarding study leave provisions.
- b. Family, personal and other life circumstances, including grounds covered by anti-discrimination law such as care of sick children or elderly relatives; ill-health, disability and domestic violence.

(8) It may also be granted for:

- a. volunteer work for a non-profit, NGO or similar organisation;
- b. extended travel;
- c. to accompany a spouse/partner who has been transferred interstate or overseas; or
- d. other reasons deemed appropriate and subject to consultation with the delegated supervisor.

(9) External Secondment

- a. Applications for LWOP for external secondments will not normally be considered unless the secondment is likely to contribute to the strategic direction of the University.
- b. People & Culture should be consulted in such circumstances and completion of a Secondment Agreement — External is required for approval by the Delegated Officer.

(10) LWOP is not an automatic right or entitlement. LWOP can only occur by agreement between the University and staff member concerned, with due consideration for business and operational requirements.

(11) Employees will normally be required to exhaust leave entitlements before commencing LWOP. However, in some circumstances this may not be appropriate and/or feasible. Where this is believed to be the case, approval must be sought from an appropriately delegated officer (VP, People & Culture, equivalent or above).

(12) Staff members are expected to apply for LWOP as early as possible. Employees with teaching responsibilities are expected, wherever possible, to apply three months prior to the proposed commencement date of the proposed LWOP.

(13) LWOP may be granted for periods of up to twelve months. LWOP for periods of more than twelve months will only be granted in exceptional circumstances.

(14) Periods of LWOP exceeding 20 working days, whether continuous or in aggregate in any year of service, do not count towards the accrual of leave under the employee's employment agreement, including annual leave, long service leave and sick leave.

(15) Periods of LWOP may affect the employee's contributions to and benefits payable from the relevant superannuation fund. Prior to commencing such leave, it is the responsibility of the employee to obtain full details regarding their superannuation options from People and Culture and to make appropriate arrangements to meet their superannuation needs.

(16) Employees with salary packaging arrangements and in particular a novated car lease, must make appropriate arrangements with People and Culture prior to commencement of their LWOP.

Part C - Application Process

Staff request

(17) Where practicable, requests for LWOP should be discussed verbally between the staff member and the relevant supervisor/manager in the first instance.

(18) A subsequent formal request must be made in writing (using the HR86 'Leave Without Pay Application Form') to the relevant supervisor/manager outlining:

- a. The reasons for the request
- b. Proposed days, dates and hours of leave;
- c. The anticipated commencement date, review date and finish date; and
- d. The proposed way in which the staff member will maintain adequate contact with the University.

(19) The request should also outline any potential impact that the staff member believes the arrangement may have on:

- a. other staff, current work load and work commitments, the organisational unit; and
- b. how any potential adverse effects may be mitigated/addressed.

Consideration of request

(20) Applications for LWOP should be considered and determined by a delegated officer in accordance with the People and Culture Delegations Policy and must be made in accordance with the Flexible Work Arrangements Policy and this procedure.

Approving a request - People and Culture processing

(21) Supervisors/managers who support an application for LWOP must prepare a recommendation for the approving officer (refer to the People & Culture Delegations policy). This recommendation is to include the proposed arrangements for covering the period of LWOP.

(22) Where the request for LWOP is granted, the decision must be communicated to the employee in writing no later than 21 days following receipt of the application.

(23) In all cases, the employee must ensure they have written approval before commencing a period of LWOP.

Declining a request

(24) Where a request cannot be granted, supervisors/managers should seek advice from People and Culture.

(25) The decision not to approve the request should be discussed verbally with the employee in the first instance. Wherever possible, alternatives should be considered before a final decision is made.

(26) The final decision must be communicated to the staff member in writing within 21 days of receiving the request. The decision must clearly set out the reasonable business grounds upon which the decision was made.

(27) A copy of this documentation should also be placed on the employee's employment file. All employment records should be retained in accordance with the University's Record Management Policy.

When a Leave Without Pay Arrangement ends Prematurely

(28) An employee may request to return to the University prior to the agreed end date of the LWOP period. Authority to consider such requests shall be in accordance with the People and Culture Delegations Policy (VP, People & Culture, equivalent or above).

(29) The University may consider other suitable alternatives where it is not possible to return the staff member to their substantive position early. If an early return is not possible and no other suitable alternative position can be found, the University will honour the remaining LWOP period.

Termination of the Arrangement

(30) Should the LWOP arrangement be terminated by mutual agreement between the supervisor/manager and the staff member involved, a relevant and suitable notice and transition period is required, which would normally not be less than 4 weeks.

(31) Following consultation with the staff member, the arrangement may be terminated early by the University provided reasonable notice is given.

Return to the University

(32) Employees accessing LWOP for periods greater than six (6) months must confirm in writing their intention to return to the University with their supervisor no less than six (6) weeks prior to the end date of the LWOP period.

(33) Employees accessing LWOP for less than six (6) months must confirm their intention to return to the University with their supervisor at least two (2) weeks prior to the end date of the LWOP period.

(34) Employees who wish to extend their LWOP must do so in accordance with these timelines. Supervisors, when considering an application for extension, must take into account the factors already outlined under the approval section.

Support during absence

(35) Prior to commencing leave, employees are encouraged to discuss with their supervisor arrangements for maintaining contact with the workplace during their period of LWOP.

(36) Supervisors are required to inform employees on LWOP of any workplace changes such as organisational changes and restructures, and consult with the employee where changes may affect the employee's position or work responsibilities.

Training and Development

(37) Staff on extended periods of LWOP may have access to staff development and training activities and opportunities during this time. A staff member wishing to undertake a professional development activity while on LWOP should apply as standard through their supervisor for approval.

Section 6 - Guidelines

(38) Nil

Status and Details

Status	Historic
Effective Date	2nd September 2014
Review Date	2nd May 2017
Approval Authority	Vice-Chancellor
Approval Date	2nd September 2014
Expiry Date	17th May 2016
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