

Staff - Personal Leave (Sick Leave and Carer's Leave) and Compassionate Leave Procedures

INTRODUCTION

The University is committed to supporting the health and wellbeing of all staff members through the granting of Personal Leave (Sick Leave and Carer's Leave) and Compassionate Leave. Personal Leave enables staff members to recuperate after an injury or illness or to look after an immediate family member who needs care and/or support due to injury, illness or other personal emergency.

Compassionate Leave enables staff members take leave under circumstances where an immediate family member sustains an injury or illness that is life threatening or to attend to an immediate family member's funeral.

COMPLIANCE

This is a compliance requirement under the [Charles Darwin University Act 2003](#) part 3, section 15.

INTENT

The intention of this document is to provide University staff members with details of their entitlements regarding Personal Leave (Sick leave and Carer's leave) and Compassionate Leave and other conditions that apply. This procedure is subject to cl. 46 of the [Charles Darwin University and Union Enterprise Agreement](#).

RELEVANT DEFINITIONS

In the context of this document

Anniversary Date means the date on which a new staff member commences employment with the University;

Compassionate Leave means paid leave for each permissible occasion when a member of the staff member's immediate family, or a member of the staff member's household, contracts or develops a personal illness that poses a serious threat to life; or sustains a personal injury that poses a serious threat to the member's life; or if they die;

Immediate family means a spouse, child, parent, grandparent, grandchild or sibling of the staff member; or a child, parent, grandparent, grandchild or sibling of a spouse of the staff member;

Paid Personal Leave means either:

- Paid leave (Sick Leave) taken by a staff member because of a personal illness, or injury affecting the staff member; or
- Paid or unpaid leave (Carer's Leave) means leave taken by a staff member to provide care or support to an immediate family or household member because of a personal illness, injury or an unexpected emergency;

Spouse means a current or former spouse or partner, or a current or former de facto spouse or partner;

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|--|---------------|-------------|
| Staff - Personal Leave (Sick Leave and Carer's Leave) and Compassionate Leave Procedures – pro-082 | Version: 2.04 | Page 1 of 7 |
|--|---------------|-------------|

StaffOnline means the program available on the University's Office of People and Capability webpages that provides staff direct access to details of their leave accrual and payslips and allows staff to apply for leave electronically; and

Supervisor means the person responsible for day-to-day supervision of a member of staff or a group of staff.

PROCEDURES

Personal Leave (Sick Leave and Carer's Leave)

Eligibility

All full-time and part-time staff members are entitled to Paid Personal Leave in times of genuine illness or injury, in accordance with the [Charles Darwin University and Union Enterprise Agreement](#).

Casual staff members are not entitled to Paid Personal Leave because they receive financial compensation (loading) in lieu of leave entitlements.

Entitlements and conditions

Continuing full-time staff members are entitled to fifteen (15) days Paid Personal Leave per annum for the first two (2) years of employment and twenty (20) days each year thereafter. Part-time staff members accrue leave on a pro rata basis.

Paid Personal Leave for continuing staff members is credited on the day of commencement of employment with the University and is re-credited on the anniversary date each year thereafter.

Fixed-term contract staff on contracts of twelve (12) months or less, receive five (5) days Paid Personal Leave after two (2) months and one (1) day per month thereafter, to a maximum of fifteen (15) days per annum.

Paid Personal Leave accrues from year to year.

All staff members are entitled to two (2) days unpaid carer's leave for each permissible occasion where all Paid Personal Leave has been exhausted.

Unpaid carer's leave is not accruable.

In addition to Paid Personal Leave provided under the [Charles Darwin University and Union Enterprise Agreement](#) child care workers are entitled to unlimited Paid Personal Leave subject to the production of a medical certificate stating they are suffering from an infectious disease. On return to work, the University will require the staff member to provide a medical certificate stating they are no longer infectious.

Paid Personal Leave is not available whilst a staff member is on any form of paid or unpaid Parental Leave (maternity, partner, adoption, or foster parent), paid Community Service Leave; and paid Aboriginal and Torres Strait Islander Leave or Leave without Pay (LWOP).

The maximum period of continuous Paid Personal Leave on full-pay prior to retirement is fifty-two (52) weeks.

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|--|---------------|-------------|
| Staff - Personal Leave (Sick Leave and Carer's Leave) and Compassionate Leave Procedures – pro-082 | Version: 2.04 | Page 2 of 7 |
|--|---------------|-------------|

A staff member falling ill during a period of Paid Annual Recreation Leave may apply to have Paid Annual Recreation Leave re-credited for the period of the illness, subject to the staff member obtaining a medical certificate and having sufficient Paid Personal Leave to cover the period of illness.

Notwithstanding the above, where a staff member falls ill during a period of Paid Annual Recreation Leave that has been taken in order to cash-out leave and the staff member wants to re-credit the Paid Annual Recreation Leave, the staff member will be required to repay the cash-out component equivalent to the re-credited amount of Paid Annual Recreation Leave.

Public holidays, identified under clause 43 of the [Charles Darwin University and Union Enterprise Agreement](#), do not form part of Paid Personal Leave and will not be debited from the staff member's personal leave credits.

Accessing Personal Leave

Staff may be granted Paid Personal Leave (subject to available accruals) and unpaid carer's leave where conditions of use, notice and evidence requirements as listed within this document, are met.

Staff may be granted Paid Personal Leave, subject to available accruals, without the production of a medical certificate for up to five (5) days in total in any one year. No more than three (3) consecutive days may be taken without a medical certificate.

Unpaid carer's leave taken for a permissible occasion may be taken:

- In a single, continuous period of up to two (2) days; or
- In any separate period/s which the staff member and their supervisor agree.

Workers compensation interaction

If a staff member has sustained an injury or illness in the course of their employment with the University, the staff member and supervisor are required to contact a Health, Safety and Environment officer at People and Capability immediately.

Where a staff member is absent from work because of personal illness or injury for which they are receiving worker's compensation they will not be entitled to Paid Personal Leave (for further information contact the University's Health Safety and Environment Branch).

Compassionate Leave

Eligibility

All full-time and part-time continuing and fixed-term contract staff members are entitled to Paid Compassionate Leave where a member of the staff member's immediate family or household:

- Contracts or develops a personal illness that poses a serious threat to his or her life;
- Sustains a personal injury that poses a serious threat to his or her life; or
- Dies.

Casual staff members are not entitled to Paid Compassionate Leave as they receive financial compensation (loading) in lieu of leave entitlements.

Entitlements and conditions

Continuing full-time staff members are entitled to three (3) days Paid Compassionate Leave for each permissible occasion. Part-time staff members are entitled to Paid Compassionate Leave on a pro rata basis. Paid Compassionate Leave cannot be accrued.

Paid Compassionate Leave is not available whilst a staff member is on any form of paid or unpaid Parental Leave (maternity, partner, adoption, or foster parent), paid Community Service Leave, paid Aboriginal and Torres Strait Islander Leave, or Leave without Pay (LWOP).

Accessing Compassionate Leave

Staff may be granted Paid Compassionate Leave where conditions of use, notice and evidence requirements as listed within this document, are met.

Paid Compassionate Leave may be taken for a particular permissible occasion as:

- A single, continuous three (3) day period; or
- Three separate periods of one (1) day each; or
- Any separate periods to which the staff member and their supervisor agree.

If the permissible occasion is the contraction or development of a life threatening personal illness, or sustaining of a personal injury, the staff member may take the compassionate leave for that occasion at any one time while the illness or injury persists.

Booking Personal Leave and/or Compassionate Leave

The Supervisor is responsible for approving all Personal Leave and Compassionate Leave.

Paid Personal Leave must be requested and approved in [StaffOnline](#). For more information on using the StaffOnline leave function, refer to the [How to Book Leave](#) User Guide available under Leave in [StaffOnline](#).

Staff must submit a Paid Personal Leave request for approval in [StaffOnline](#) as soon as practicable and within five (5) working days of the staff member returning to work.

Paid Personal Leave requests are automatically forwarded to supervisors for approval. When a Paid Personal Leave request is actioned (approved/rejected) by the supervisor, an automated email advice is despatched to the staff member.

Paid Personal Leave balances are available for viewing by using the Leave Balances option on [StaffOnline](#).

StaffOnline is programmed to reject a leave request where the booking results in a negative leave balance.

Applications for unpaid carer's leave must be made on an [Application for Leave form](#) with a copy of evidence, i.e. medical certificate, where appropriate.

Applications for Paid Compassionate Leave must be made on an [Application for Leave form](#) with a copy of evidence, where appropriate.

[Application for Leave forms](#) for unpaid carer's leave or Paid Compassionate Leave must be forwarded to Office of People and Capability as soon as practicable and within five (5) working days of the staff member returning to work.

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|--|---------------|-------------|
| Staff - Personal Leave (Sick Leave and Carer's Leave) and Compassionate Leave Procedures – pro-082 | Version: 2.04 | Page 4 of 7 |
|--|---------------|-------------|

A leave request must only be booked once. Office People and Capability will recover overpayments resulting from over bookings.

Payment during Paid Personal and/or Compassionate Leave

Staff shall be paid their ordinary time earnings while on paid personal and/or paid compassionate leave.

Cancellation/Amendment of Approved Personal and/or Compassionate Leave

A leave booking in [StaffOnline](#) may be deleted, subject to the leave not being approved by the supervisor.

To cancel or change a future approved leave booking staff members must download and complete a [Request for Leave Amendment form](#) from the Office People and Capability forms webpage, forward the form to their supervisor for approval and then forward to Office People and Capability once approved.

On receipt of the form, Office People and Capability will process any changes in the system.

Notice and Evidence Requirement for Personal Leave and/or Compassionate Leave

The staff member must provide their supervisor or other delegated authority notice of taking leave.

The notice must:

- Be given to the staff member's supervisor as soon as reasonably practicable (staff members are encouraged to provide notice prior to, or within one (1) hour of their ordinary commencement time to allow for operational adjustments.); and
- Advise the nature of the leave, the period, or expected period of leave.

The staff member must provide to their supervisor, evidence that would satisfy a reasonable person that the leave is for a specified reason or permissible occasion pertaining to paid personal leave, unpaid carer's leave or compassionate leave.

Under most circumstances staff members are required to provide a medical certificate for paid personal leave and unpaid carer's leave that must include a statement to the effect that in the opinion of the health care professional the staff member is, or will be, unfit or unable to work because of a personal illness or injury or is required to care for an immediate family member or member of the staff member's household, due to illness or injury.

Where the provision of a medical certificate is not reasonably practicable, the staff member may make a statutory declaration however it must state that the staff member is, or will be, unfit or unable to work because of a personal illness or injury or is required to care for an immediate family member or member of the staff member's household due to illness or injury; and why a medical certificate was not able to be provided. Claiming to be "too sick" to obtain a medical certificate does not meet the standard of "not reasonably practicable".

Continuous Service

Paid leave under Personal Leave or Compassionate Leave does not break a staff member's continuity of service and counts as service for all purposes except as prescribed by the [Fair Work Act 2009](#).

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|--|---------------|-------------|
| Staff - Personal Leave (Sick Leave and Carer's Leave) and Compassionate Leave Procedures – pro-082 | Version: 2.04 | Page 5 of 7 |
|--|---------------|-------------|

ESSENTIAL SUPPORTING INFORMATION

Internal

[Application for Leave form](#)

[Application to Cash-out Leave form](#)

[CDU and Union Enterprise Agreement 2013](#)

[How to Book Leave Help](#)

[Human Resource Policy](#)

[Request for Leave Amendment form](#)

External

[Fair Work Act 2009](#) (Commonwealth)

Document History and Version Control

| | | | |
|-------------------------|---|---------------------|----------|
| Last amendment: | 15 Dec 2017 | Next Review: | Feb 2014 |
| Sponsor: | Deputy Vice-Chancellor, Operations | | |
| Contact Officer: | Director, Office of People and Capability | | |

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| 1.00 | 10 May 2007 | Vice-Chancellor | Creation of original document and upload to CDU website. |
| 1.01 | 15 Aug 2011 | Governance | <ul style="list-style-type: none">• Convert process document to new procedure template• Change CDU Union Collective Agreement 2006 to CDU + Union Enterprise Agreement to reflect title change.• Add relevant definitions, introduction, essential supporting information as per new template format.• Correct spelling, grammar and formatting.• Change PMD to OHRS to reflect title change.• Add hyperlinks to document• Remove Visio flowchart |

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|--|---------------|-------------|
| Staff - Personal Leave (Sick Leave and Carer's Leave) and Compassionate Leave Procedures – pro-082 | Version: 2.04 | Page 6 of 7 |
|--|---------------|-------------|

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| 2.00 | 8 Feb 2012 | Vice-Chancellor | Major review of document in line with current CDU and Union Enterprise Agreement |
| 2.01 | 17 Oct 2012 | Governance | <ul style="list-style-type: none"> • Convert document to new template • Updated hyperlinks • Add information with regards staff falling ill during a period of leave, re-crediting leave + repayment of cash-out |
| 2.02 | 31 Jul 2013 | Governance | <ul style="list-style-type: none"> • Assigned document number • Converted document to current template • Updated and added hyperlinks • Minor changes to wording, grammar and formatting |
| 2.03 | 6 Oct 2015 | Governance | <ul style="list-style-type: none"> • Update hyperlinks and references to the Charles Darwin University and Union Enterprise Agreement 2013 • Add hyperlink to StaffOnline • Minor changes to wording, grammar and formatting |
| 2.04 | 15 Dec 2017 | Governance | <ul style="list-style-type: none"> • Conversion to new template due to new University branding • Updated definitions • Updated hyperlinks • Amended Contact Officer from Manager, Employee Relations, OHRS to Director, People and Capability • Amended Human Resources Services and OHRS to Office of People and Capability • Amended reference to “the Agreement” with Charles Darwin University and Union Enterprise Agreement 2013 • Amended PARL to with Paid Annual Recreation Leave |