

Leave Policy - Best Practice

PURPOSE

This policy provides guidance for MEYM employees for the use of leave. Employees referred to in this policy mean permanent full-time, and part-time employees.

This Policy should be read in line with the VECTEA Award 2020, the Clerks Private Sector Award 2020 and the MEYM Staff Handbook and National Employment Standards.

POLICY STATEMENT

The use of leave is to support the health, safety and wellbeing of all staff employed at MEYM. All leave will be approved at the discretion of the General Managers/Board with the staff's health, wellbeing and safety in mind. The direct operations of the services will also be considered when approving leave.

SCOPE

This policy applies to all MEYM employees on part time or full-time conditions. All employees are entitled to leave in accordance with the relevant awards or agreements and statutory provisions. Where the entitlements or practices in this document conflict, the applicable award, workplace agreement, employment contract or employment law takes precedence.

All planned leave has to be mutually agreed, and take into account the operations of the services and the employee's needs. Leave must be approved in advance, except when the employee can't anticipate the absence. Any documents regarding leave will be kept on the employee's personnel file.

Background

A variety of leave types are available to all MEYM employees. This is in the most part directed by the terms and conditions of the Awards individuals are contracted to, namely the Victorian Early Childhood Teachers Award 2020 and the Clerks Private Sector Award 2020.

MEYM is guided by the VECTEA and the CPS to ensure fairness and equity for staff in relation to the taking of leave.

The Victorian Long Service Leave Act 2018 should be read in conjunction with the VECTEA for staff wishing to access Long Service Leave entitlements.

MEYM employs a Payroll Officer. The role in consultation with the General Managers is to monitor all leave taken by staff. At times the Payroll Officer or General Managers may contact staff to clarify reasons for leave and/or request additional evidence for leave.

Types of Leave

There are a variety of leave types specified under the VECTEA and CPS award which all staff are entitled to access if eligible. Refer to the applicable award for other leave types.

Annual Leave – Each employee is entitled to annual leave as prescribed by the VECTEA award and the CPS award. Leave entitlements are calculated from the date they started work and

Leave Policy - Best Practice

accrue in accordance with workplace relations legislation or industrial instruments, in this case the VECTEA 2020 or CPS 2020 Award.

All staff under the VECTEA are required to take annual leave during the school term breaks.

For any leave requested outside of these times, staff are required to put in a written request to the General Managers stating the reason for the leave request along with a MEYM Leave Form at least 2 weeks in advance of the requested leave date. The granting of leave will be done on a case-by-case basis. In determining the outcome of such requests, staffing and budgetary issues will be taken into consideration.

Any leave taken outside of the term breaks will be taken as Leave Without Pay or Long Service Leave if the employee is eligible for this entitlement.

Leave Without Pay

Any leave that falls outside of the accrued entitlements for staff will be taken as Leave without Pay.

Personal/ Carers Leave

This is also known as sick leave. Personal/Carers leave will only be taken for the purposes prescribed in the relevant Awards.

The VECTEA outlines the circumstances in which an employee is entitled to take Personal leave. An employee is entitled to a minimum of 3 weeks of personal/carer's leave every 12 months.

For staff employed under the VECTEA –

- If Personal leave/carers leave is taken prior to or directly after a public holiday the employee is required to provide a medical certificate. Refer to VECTEA Award.
- If the employee is absent from work for more than three consecutive days they are required to provide a medical certificate. Refer to the VECTEA Award. If the required documentation is not received the leave will be processed as LWOP.

An employee should notify his/her manager as soon as possible if they are unable to attend work due to illness or injury. Management, at its discretion, may request evidence such as a medical certificate showing that the employee was entitled to take personal leave during the relevant period.

Any leave taken due to illness due to a pandemic (COVID-19) will be taken as personal leave/carers leave.

It is expected, for employees working part time, they will try to schedule medical appointments on non-work days to reduce the operational impacts on the kindergartens.

The MEYM Payroll Officer may contact staff to request additional information such as medical certificates or to clarify information on leave forms.

Maternity Leave

Leave Policy - Best Practice

For employees wishing to access Maternity Leave a written application requesting Maternity Leave should be forwarded to the General Managers with details of the length of time, dates and return to work date.

If an employee wishes to extend Maternity Leave beyond the time period originally granted then an additional application will be required by the employee in writing at least 4 weeks (20 days) prior to the original return date.

Applying for leave

Employees under the VECTEA 2020 do not need to apply for Annual Leave or fill out a MEYM Leave form as it is an entitlement specified in the VECTEA Award.

All other employees applying for Annual Leave will need to complete a MEYM Leave Application Form at least two weeks (10 working days) in advance of the starting date for leave. This will then be approved by the General Manager(s)/Board.

Leave forms must be completed and submitted within the required timeframes (see table below) in advance to leave being taken. Staff will be advised of the decision around the granting of leave by email as soon as practicable. Staff are advised not to book accommodation flights etc until leave has been approved.

Time frames for applying for leave:

Type of Leave	Required notice weeks in advance	Required notice days in advance
Annual Leave (Employees not under VECTEA)	Two weeks in advance	10 working days in advance
Leave Without Pay	Two weeks in advance	10 working days in advance
Long Service Leave	Three weeks in advance	15 working days in advance
Maternity Leave	Four weeks in advance	20 working days in advance
Approved Unpaid Absence (VECTEA) or Leave Without Pay	Eight weeks in advance	40 working days in advance

If applications are not submitted within these timeframes to allow adequate time for a decision approval may be delayed and therefore leave may be delayed.

Staff applying for Personal Leave in arrears of taking the leave are required to submit a leave form within one (1) week of taking such leave.

Leave will be at the discretion of the General Managers and will take into consideration the operations of the service and business strategies such as the annual budget.

Other Leave types

For all other leave types please refer to the relevant Awards or Acts.

Leave Policy - Best Practice

- Leave in the event of stillbirth or premature birth – Fair Work Act
- Family Violence leave – VECTEA 2020

Legislation and standards

Relevant legislation and standards include but are not limited to:

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Policy Owner	MEYM
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- *VECTEA 2020*
- *Clerks Private Sector Award 2020*
- *Fair Work Act*
- *Equal Opportunity Act 2010*
- *National Quality Standards – Quality Area 4*