

## Leave Without Pay

Last updated: 26 March 2010

Policy Assigned to: Director, Human Resources

### Overview

This policy outlines the conditions under which staff may apply for Leave Without Pay and the procedures for applying for such leave.

### Scope

This document applies to staff:

- covered by [The University of Sydney Enterprise Agreement 2009-2012](#) and other Agreements that provide for Leave Without Pay, and;
- whose manager grants approval to take Leave Without Pay.

It does not apply to:

- casual staff

### References

- [The University of Sydney Enterprise Agreement 2009-2012](#)
- [University of Sydney \(Delegations of Authority - Administrative Functions\) Rule 2010 \(as amended\)](#)
- [Parental Leave Guidelines](#)

In this document, refer to the [University of Sydney \(Delegations of Authority - Administrative Functions\) Rule 2010 \(as amended\)](#) for the definition of: School Head - refers to HOS/HOA.

'Organisational unit' is an administrative unit equivalent to a budget unit for which a HOA has responsibility.

### Policy

- a) The University may, at its discretion, permit a staff member to take Leave Without Pay (LWOP) under specific conditions, which will not normally exceed one year in a single instance.
- b) Periods of leave without pay will only be approved when the Head and the Dean (or Principal Officer) concerned believe that leave will not be detrimental to the interests of the School/Organisational unit.

# Guidelines

## 1 Qualifying periods and limits for LWOP

- a) Sick leave without pay may be approved when all sick leave is exhausted and the absence is supported by a medical certificate.
- b) Parental LWOP (including Maternity) is normally approved provided the maximum length of leave stated in the Parental Leave policies is not exceeded. See the [Parental Leave Guidelines](#) for more details.
- c) For all other LWOP (including for private purposes), normally staff must have been in continuous employment with the University for two years, and have exhausted all of their annual leave entitlements, and any accrued Scheduled Days Off. Normally the maximum period that may be approved under this category is one year. This may be extended to two years for staff taking LWOP for professional purposes.

## 2 Impact of LWOP on Service

- a) Instances of less than or equal to five working days in a calendar year will not affect accrual or review dates.
- b) Instances of less than six months will be counted as service for the purpose of long service leave, where the LWOP is applied for and taken after the staff member has completed ten years of service with the University (see 3 (b) below for the exception).
- c) In all other instances accrual/eligibility dates for long service leave, annual leave, sick leave, incremental progression; probation and academic confirmation will be affected. Contact the [HR Service Centre](#) for more information.
- d) In the case of staff employed on fixed term contracts, the contract period will not be extended as a result of LWOP being granted. For staff members on a period of parental leave without pay who are employed on a grant funded fixed term contract, subject to agreement by the funding body (for example, ARC), the fixed term contract may be extended on a case by case basis.

Staff members employed on a fixed term contract who have been sponsored by the University on a 457 visa, are required to discuss their intention to apply for LWOP with the Immigration & Relocations team in the [HR Service Centre](#) as this may affect the University's sponsorship obligations.

## 3 Impact of LWOP on Leave and Public Holidays

- a) Sick Leave  
If a staff member becomes ill while on LWOP the University will not convert the LWOP to sick leave.
- b) Long Service Leave Accruals  
Regardless of the length of service, Long Service Leave may accrue during LWOP where such leave has been granted for professional purposes to work elsewhere AND the organisation employing the staff member agrees to reimburse the University for this cost based on the current salary (including on-costs) of the staff member.
- c) Public Holidays  
Staff will not receive payment for public holidays falling during or immediately following a period of LWOP.

## 4 Impact of LWOP on Superannuation

Contributions to superannuation schemes will be affected and staff must contact the [HR Service Centre](#) for further advice.

## Procedures

- a) Staff are to discuss any proposal for LWOP with their supervisor before submitting a leave form. Under no circumstances are arrangements to be finalised before approval for the absence has been given.
- b) Applications for LWOP must be accompanied by a statement setting out the dates of the proposed leave and the reason leave is requested. If applicants are taking this leave for recreational purposes, applicants must submit a leave booking to utilise any available annual leave prior to commencing LWOP.
- c) Applications for LWOP are to be submitted through the supervisor to the Head for approval.
- d) Staff should normally apply at least six months in advance to the Dean or Principal Officer (via the Head) for longer term LWOP.

# Administration

## 1. Background

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This document converts the Leave Without Pay provisions of The University of Sydney Enterprise Agreement 2009-2012 into policy, procedures and guidelines to enable their implementation. The policy guidelines and references to the University of Sydney Enterprise Agreement 2009-2012 were updated in 2010 by Human Resources in consultation with the Office of General Counsel.

## 2. Policies, procedures etc which are now superseded by this document and its attachments

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This policy replaces the Leave Without Pay policy dated 30/11/2005.

## 3. Management Responsibility

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Director, Human Resources

## 4. Implementation Responsibility

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Heads of School/Administrative Unit

## 5. Dates

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Approval (version 1)	03/09/2001
Effect	03/09/2001
Review	11/08/2005
Approval (version 2)	30/11/2005
Effect	30/11/2005
References updated	30/05/2008
Approval (version 3)	26/03/2010
Effect	26/03/2010

## 6. Approval

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Version 1	Professor Ken Eltis, DVC, Planning & Resources
Version 2	Professor Ann Brewer, Acting DVC, Infrastructure
Version 3	Dr Michael Spence, Vice-Chancellor and Principal

## 7. Signatures

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### Approved by:

Name

Dr Michael Spence

Position

Vice-Chancellor and Principal

Date

26 March 2010

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