



37.0 ANNUAL LEAVE

37.1 Entitlement and Accrual

General

- (a) An employee (other than a 7 day continuous shiftworker) will be entitled, after the completion of each 12 months of service, to take four (4) weeks of annual leave at their base rate of pay in addition to any public holiday occurring while on annual leave.
- (b) A 7 day continuous shiftworker will be entitled, after the completion of each 12 months of service, to take five (5) weeks of annual leave at their base rate of pay, in addition to any public holidays occurring while on annual leave.

Accrual

- (c) Annual leave will accrue progressively (on a fortnightly basis). Untaken annual leave will accumulate from year to year.
- (d) Annual leave will accrue at half the normal rate during any period of leave on half pay.

37.2 Direction to Take Annual Leave

- (a) The University may direct an employee to take annual leave where an employee has an accrued entitlement to annual leave of 6 weeks or more to reduce their entitlement to not less than 3 weeks at the conclusion of the leave. In special circumstances (e.g. planning overseas travel), an employee may, with the prior approval of their senior manager, accrue annual leave to a maximum of 8 weeks, provided that such leave must be reduced to not more than 2 weeks and taken within six (6) months.
- (b) Where the University directs an employee to take annual leave, it will:
 - (i) discuss the timing of the leave with the employee and take into consideration any wishes of the employee;
 - (i) allow the employee an opportunity to submit an application to take an appropriate amount of leave at a mutually agreed time;
 - (ii) allow the employee to take leave in one or more blocks if the employee wishes to do so; and

- (iii) provide the employee with reasonable notice of not less than two months of the leave to be taken.
- (c) Nothing in this clause limits the University's capacity to direct an employee to take no more than 3 days of annual leave when the University is shut down around the Christmas/New Year period as part of the standard leave arrangements referred to in subclauses 37.1 and 37.2 of this clause. Provided that an employee with an annual leave balance of less than 6 weeks at the date of the shut down may elect to use available flex time or time off in lieu of overtime, leave without pay, or a combination thereof, instead of annual leave, or be granted annual leave in advance.
- (d) The provisions of subclause 37.2 are reasonable having regard to the nature of the University's operations and the flexible work arrangements for employees covered by this Agreement.

37.3 Excessive Annual Leave

If an employee has accrued more than 8 weeks of annual leave (or 10 weeks for a shiftworker) the University and the employee will discuss the accrual and genuinely try to reach agreement on how to reduce or eliminate the excessive leave accrual.

After either the University or Employee has genuinely tried to reach agreement to reduce or eliminate the excessive leave accrual (including because the employee refuses to discuss) the University may direct the employee (or the employee may elect) in writing to take one or more periods of annual leave in accordance with Clause X below.

The direction, or written notice, to take annual leave must:

- (i) Not result in the employee's entitlement being reduced to less than 6 weeks, taking into account any other annual leave arrangements
- (ii) not be for a period of less than one week
- (iii) not over-lap any other leave arrangements already agreed
- (iv) include a minimum of 8 weeks' notice and a maximum of 12 months' notice.
- (v) Not be for more than 4 weeks (or 5 weeks for a shift worker) if the leave is to be taken by written notice from the employee

37.3 Other leave during Annual Leave

In accordance with applicable legislation, where an employee is eligible for another form of leave during all or part of a period on which an employee is on annual leave, subject to complying with requirements for access to that leave, any annual leave will be re-credited for the period of the other form of leave.

37.x Annual Leave in Advance

An employee can apply to take paid annual leave before the employee has accrued the leave to be taken. Where the University approves the annual leave in advance, the approval must be in writing, state the amount of leave to be taken in advance and the

date on which the leaves is to commence and be signed by both the University and the employee. The University must keep a copy on the employee's personnel file.

If the employee leaves employment with the University and has not accrued annual leave to cover the annual leave already taken, the University may deduct from any money due to the employee on termination an amount equal to the remaining amount owed by the employee.

37.4 Payment of Annual Leave on Termination

An employee, whose employment terminates for any reason, will be paid any untaken accrued annual leave on termination.

37.5 Annual Leave Loading

- (a) An employee will be granted an annual leave loading equivalent to 17½% of four (4) weeks at the employee's base rate of pay. The loading payable will not in any case exceed the loading on the maximum salary equivalent to that applicable to an employee working 35 hours per week whose position is classified at Level 9.
- (b) An employee on shift work who proceeds on annual leave will be paid the greater of:
 - (i) in respect of leave taken in any period of 12 months, shift penalties (or other allowance paid on a regular basis in lieu) the employee would have received had they not been on annual leave; or
 - (ii) the 17½% annual leave loading as prescribed in subclause 37.6(a) below. In the case an employee engaged on seven (7) day continuous shifts, the 17½% annual leave loading is to be calculated on the basis of 17½% of five (5) weeks of the employee's base rate of pay.
- (c) Payment of shift penalties will not be made for:
 - (i) public holidays that occur during annual leave; or
 - (ii) leave that has been added to a period of annual leave in compensation for public holidays worked.

37.6 Payment of Annual Leave Loading on Termination

- (a) Upon retirement or termination by the University for any reason other than misconduct, an employee who has not been paid an annual leave loading to which they are entitled will be paid the loading that would have been payable had the retirement or termination not occurred.
- (b) On resignation or dismissal for misconduct, annual leave loading is not payable when an employee is granted annual leave to credit or the monetary value.

- (c) Broken service during a year does not attract the annual leave loading. For example, if an employee resigns and is subsequently re-employed during the same year, only the service from the date of re-employment will attract the annual leave loading, subject to the above conditions.
- (d) The annual leave loading is to be calculated on the employee's base rate of pay on the date when the employee commences annual leave or the annual leave loading is paid.
- (e) A part-time employee who satisfies the above conditions is eligible for the annual leave loading.