

Information for Staff and Supervisors

Leave without pay



General Information

Leave without pay (LWOP) is an unpaid leave of absence that is granted for a variety of reasons. This document explains the University's arrangements for LWOP and describes the application process. Before considering an application to access LWOP it is strongly recommended that you consult with the HR Leave Specialist to ensure the best outcome for the staff member.

The University and a staff member may agree to the taking of leave without pay and to the terms and conditions upon which such leave is given and taken.

Leave Eligibility

All continuing and fixed term staff who have exhausted their available annual and long service leave balance are eligible to apply for leave without pay (LWOP), which may be granted at the discretion of the University.

Because of the nature of their employment, casual staff do not need to apply for and record LWOP, instead they would advise their supervisor that they will be absent during their contract of employment, returning to any work available after the period of absence.

LWOP for the purposes of Career Development

Generally, the University may consider applications for the purposes of career development, exchanges, skill enhancement or study. In considering applications to undertake external development, regard will be given to the potential benefit to the University. A minimum period of notice of 3 months for Professional Staff and a semester for Teachers and Academic Staff applies for periods of LWOP greater than 1 month, unless otherwise approved by relevant PVC/Director or equivalent.

Consideration of all LWOP applications will be based on the following principles:

- i. The applicant must have served a minimum of twelve months with the University (Depending on the circumstances for the LWOP application other types of leave may be available for those applicants not falling into this category);
- ii. For Academic Staff, Special Studies Program (SSP) post-service commitments have been met.

Conditions relating to LWOP

During leave without pay a staff member remains bound by the University's policies and procedures. For example, staff are bound by the University's Code of Conduct and the Paid Outside Work Policy.

The minimum amount of LWOP that can be taken is one hour.

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The maximum single continuous period of leave without pay that will generally be approved is 2 years.

A staff member is not to be paid for any public holiday that falls during a time when the staff member is on unpaid leave.

LWOP and how it relates to the Christmas Closedown Period

If a Staff member only applies for the four compulsory closedown days as LWOP, then they will be provided with payment for the public holidays during the Christmas Closedown period.

LWOP and how it impacts superannuation entitlements

A Staff Members' superannuation contributions (employer and employee) will not be maintained during a period of leave without pay.

LWOP and how it impacts an employees' paid leave entitlement

For the purposes of determining a staff members' annual leave and personal leave entitlement, any period of leave without pay greater than 5 working days within a 12 month period, will not count as service for the purpose of calculating annual leave. (The 12-month period is calculated from the staff member's anniversary of commencing employment with the University).

Staff Members will not be entitled to access personal or accumulated sick leave while on leave without pay.

For the purposes of determining a Staff Members entitlement to parental leave, any leave without pay in excess of 5 working days that falls in the twelve months immediately prior to taking paid parental leave will be deemed as having a service fraction of zero.

For the purpose of determining a Staff Members long service leave entitlement, leave without pay will affect the accrual of long service leave as follows:

- i. For Staff Members with less than 10 years' service, any period of leave without pay greater than 5 days in any 12 month period, will generally not count as service;
- ii. For Staff Members with 10 years or more service, any period of leave without pay of 6 months or less will count as service;
- iii. Where an employer other than the University pays to the University an appropriate amount to cover the staff member's accrual of long service leave during the period of leave without pay, the period of leave without pay will count as service.

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LWOP and how it relates to an employees' increment eligibility

For the purposes of determining a Staff Members eligibility to receive an increment, any leave without pay in excess of 5 working days within 1 year for any purpose will not count for incremental purposes. Where a staff member has been granted a period of leave without pay which does not count as service, the appropriate date for subsequent increments will be deferred by the period of time equivalent to the period of leave without pay.

LWOP and how it relates to an employees' probation

LWOP in excess of one month will not normally be approved during a staff member's probationary employment period. Where leave is approved under extraordinary circumstances, the probationary period may be adjusted, subject to approval of Director, People and Workforce Strategy.

Application Process

Requests for LWOP should be discussed between the staff member and the relevant supervisor/manager in the first instance. This will be an opportunity to also discuss any alternatives to LWOP dependent on a staff members' individual situation.

The staff member must complete a leave without pay application form.

Requests for leave without pay for a period of up to two weeks can be approved by the staff member's immediate supervisor. All other requests must be forwarded to the Head of School/Director or relevant authority as per the delegation schedule.

The application should include:

- a. The reasons for the request;
- b. The commencement date and finish date.

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

- a. Other staff, work commitments, and the organisational unit; as well as
- b. How any potential adverse effects may be addressed?

Applications for LWOP should be considered and determined in accordance with this document.

In all cases, the staff member must ensure they have received advice from the HR Leave Specialist before commencing a period of LWOP.

Where a request cannot be granted, Head of School/Director or relevant authority as per the delegation schedule should seek advice from the Leave Specialist.

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The supervisor/ Head of School/Director or relevant authority as per the delegation schedule who supports an application for LWOP must forward the leave without pay application to leave@newcastle.edu.au for processing and communicate the approval to the staff member.

The decision not to approve the request should be discussed verbally with the staff member in the first instance. Where possible, alternatives should be considered.

Any final decision to decline the application must be communicated to the staff member. The decision must clearly set out the reasonable business grounds upon which the application was declined.

A staff member may request to return to the University prior to the agreed end date of the LWOP period. Authority to consider such requests shall be at the discretion of the Head of School/Director or relevant authority as per the delegation schedule.

The University may consider other suitable alternatives where it is not possible to return the staff member to their substantive position early.

ROLES AND RESPONSIBILITIES

Staff members are responsible for:

Making their own arrangements relating to salary deductions during LWOP (for example, mortgage payments, private health insurance);

Remaining informed of the Universities activities in which they may have an interest, for example, academic promotion;

Informing their work area about their wishes to remain informed of workplace matters;

For periods of leave without pay in excess of three months, Staff members are required to give four weeks' notice in writing, confirming their intention to return to the University at the end of the leave period.

Heads of Schools/ Heads of Units/ Supervisors are responsible for:

Forwarding the approved application to Leave@newcastle.edu.au in sufficient time to prevent the overpayment of the staff member;

Planning for the distribution of work of the staff member on LWOP;

Keeping staff on LWOP informed of any significant change to workplace matters that directly affect them.

SUPPORTING INFORMATION

Other documents

<https://www.newcastle.edu.au/current-staff/our-organisation/governance/delegation-of-authority/delegations-schedules>

<http://www.newcastle.edu.au/current-staff/working-here/benefits-and-conditions/enterprise-agreements>