

LEAVE WITHOUT PAY PROCEDURE



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1 PURPOSE

1.1 This procedure outlines how CQUniversity employees can apply for leave without pay.

2 SCOPE

2.1 This procedure applies to continuing and fixed-term employees at CQUniversity.

2.2 This procedure applies to any form of leave without pay, including sick leave without pay, approved by the University, but does not apply to:

- paid leave. Refer to the [Leave Procedure](#).
- unpaid leave associated with parental leave. Refer to the [Parental Leave Procedure](#).

3 PROCEDURE

3.1 The University makes available leave without pay as one of a number of flexible, family friendly terms and conditions of employment for its employees.

Entitlement

3.2 Continuing employees who have been employed at the University for two years or more may apply for leave without pay of up to 12 months.

3.3 Fixed-term and continuing employees who have been employed at the University for less than two years may apply for leave without pay for four weeks or less.

3.4 Employees who have exhausted their paid sick leave entitlements may apply for sick leave without pay with the period of leave being guided by medical advice.

- 3.5 Leave without pay greater than 12 months and up to two years will only be granted in exceptional circumstances.
- 3.6 Employees who apply for leave without pay must exhaust all annual and long service leave accruals prior to the effective date of the leave without pay application. Exemptions from this may be sought in the following circumstances:
- an employee who is seeking leave without pay in order to complete study, research or professional practice in order to improve their qualifications (as relevant to the University), or
 - an employee who has exhausted their sick leave entitlement and remains off work due to illness or injury, in which case, requests will not be unreasonably refused.

If the exemption is supported by the relevant head of business area, it will be forwarded to the Director People and Culture for approval.

Application

- 3.7 Employees requesting leave without pay must submit an application via the University's Human Resource system (EMPower).
- 3.8 Applications for planned leave without pay will be submitted for approval at least six months prior to the date the leave is due to commence. In exceptional circumstances, a shorter period may be considered.
- 3.9 Employees wanting to access sick leave without pay must provide their supervisor with a medical certificate stating the duration of their absence if the period of leave required is more than three days.
- 3.10 Applications for all periods of leave without pay will be considered on the basis that the employee will resume duty after the period of leave in their former position, or be placed in a position of not less than the salary and classification level of their former position in their business area.

Approval

- 3.11 Applications will be considered on a case-by-case basis, taking into account operational needs of the area, reason/s for the leave application, prior periods of approved absences and the ability to replace the employee during their period of absence.
- 3.12 Applications for leave without pay for periods of four weeks or less may be approved by the relevant supervisor.
- 3.13 Applications for leave without pay for periods greater than four weeks and up to 12 months will be approved by the relevant head of business area.
- 3.14 Applications for leave without pay greater than 12 months should have the support of both the supervisor and relevant head of business area before being sent to the Director People and Culture for approval.
- 3.15 Applications must be approved in EMPower a minimum of two weeks prior to the date the leave without pay is scheduled to commence to ensure that the leave is actioned by the commencement date.

Return to work

- 3.16 Employees granted leave without pay may return to work earlier than their nominated date with the approval of the relevant head of business area. Matters that would be considered in the determination include budgetary provisions, backfilling arrangements including fixed-term contracts that may need to run to conclusion, or other associated matters.
- 3.17 Where the absence is six months or greater, the employee will provide written confirmation to their supervisor of their intention to return to work at least five weeks prior to their approved date of return.
- 3.18 Where an employee is returning to work following an extended period of sick leave without pay, their supervisor may require a medical certificate stating they are now fit to return to work.

Effect of leave without pay on entitlements

- 3.19 An employee's increment date will be adjusted for:
- periods of leave without pay greater than four weeks, and
 - periods of sick leave without pay after three months.
- 3.20 Periods of leave without pay of 10 days or less will count towards accruing benefits such as annual leave, sick leave and long service leave.
- 3.21 Where periods of leave without pay exceed 10 days, the total period of leave will not count towards accruing benefits such as annual leave, sick leave and long service leave (except where it is for unpaid sick leave in which case the employee will accrue annual, sick and long service leave for the first three months only).
- 3.22 A salary will not be paid for public holidays and Christmas closure days which occur during a period of leave without pay.
- 3.23 The University will not make superannuation contributions during a period of leave without pay. It is the employee's responsibility to seek independent financial advice regarding their superannuation before making an application for leave without pay.

Suspension of administrative duties

- 3.24 During a period of leave without pay, greater than four weeks, any memberships on University Committees will be suspended, and the employee will relinquish all activities of an administrative nature. The employee will advise the Chairperson and Secretary of each Committee as soon as practicable after the leave is approved.

Employee's responsibilities

- 3.25 During periods of leave without pay, employees must:
- make their own arrangements for salary deductions such as medical insurance and salary sacrifice arrangements during periods of leave without pay, and
 - remain informed of University activities in which they have an interest, for example, calling for applications for academic promotion.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The Director People and Culture is responsible for implementing, monitoring, reviewing and ensuring compliance with this procedure.

Reporting

- 4.2 No additional reporting is required.

Records management

- 4.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system and on the employee's personnel file.
- 4.4 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email records@cqu.edu.au).

5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Head of business area: the Dean of School, Director of a business area or equivalent position. This does not include Directors of Research Institutes or Centres.

6 RELATED LEGISLATION AND DOCUMENTS

[Central Queensland University Enterprise Agreement 2017](#)

[Leave Procedure](#)

[Parental Leave Procedure](#)

7 FEEDBACK

7.1 Feedback about this document can be emailed to policy@cqu.edu.au.

8 APPROVAL AND REVIEW DETAILS

| Approval and Review | Details |
|------------------------------|-------------------------------|
| Approval Authority | Vice-Chancellor and President |
| Delegated Approval Authority | N/A |
| Advisory Committee | N/A |
| Required Consultation | Joint Consultative Committee |
| Administrator | Director People and Culture |
| Next Review Date | 15/09/2025 |

| Approval and Amendment History | Details |
|--------------------------------------|--|
| Original Approval Authority and Date | Council 09/12/2002 |
| Amendment Authority and Date | Vice-Chancellor and President 10/12/2010; Vice-Chancellor and President 14/03/2011; Vice-Chancellor and President 29/10/2014; Vice-Chancellor and President 4/07/2018; Editorial amendment 24/11/2020; Vice-Chancellor and President 15/09/2022. |
| Notes | This document was formerly known as the Leave Without Pay Policy (last approved 09/12/2002). |