Recreation Leave (including Annual Leave) Policy

Section 1 - Purpose

(1) This Policy informs staff members of their entitlements to Recreation Leave and its application at ACU and has been developed to support the provisions set out in the ACU Staff Enterprise Agreement 2026-2029.

(2) The Policy provides details of arrangements for annual leave including:

a. entitlements;
b. planning for and taking annual leave;
c. management of excess annual leave and directing staff to take annual leave;
d. cash out of annual leave;
e. purchase of additional annual leave;
f. payment of annual leave on termination of employment; and
g. payment of annual leave loading.

Section 2 - Policy Statement

(3) Recreation Leave is the term used at ACU to encompass:

a. Annual Leave;
b. University Holidays (the period covered by the University declared annual Christmas closedown); and
c. Public Holidays.

(4) Recreation leave is intended to assist staff to achieve work-life balance.

(5) Continuing and fixed-term staff have entitlements to recreation leave, and are encouraged to take their annual leave in the year that it is accrued. Staff and supervisors are responsible for annual leave planning and management and should work together to avoid high annual leave balances. A staff member may be directed to take annual leave if their annual leave balance exceeds 40 days (or pro rata for part-time and fractional).

Section 3 - Application of Policy

(6) This Policy applies to all continuing and fixed term staff of the University.

(7) Staff engaged on fractional basis (i.e. for a fixed number of weeks in the year) are entitled to:

a. Public and University Holidays that fall within the periods that they work; and
b. annual leave which will, unless otherwise agreed with the nominated supervisor, be taken during the periods of the year when they are not required to attend work to perform their duties. These periods of time will normally

be outside the study period for Academic Staff members.

(8) Staff engaged on a part-time basis (i.e. for a fixed number of hours per fortnight which is less than full-time) are entitled to Public Holidays that fall on their normal working days.

(9) Staff engaged to undertake shiftwork, ie with stated terms to work on a rostered basis outside of the normal span of hours (normally 8.00am to 6.00pm Monday to Friday, unless extended to 7.30am to 7.00pm to maintain a University service or activity) are entitled to an additional one week of recreational leave.

(10) Recreation Leave consists of:

a. Public Holidays – minimum of ten (10) Public Holidays per annum as observed in each State or Territory to be taken on the day gazetted by the relevant State or Territory authority, including the following and any additional gazette public holidays as observed in each State or Territory.
    i. National Public Holidays:
        - Christmas Day
        - Boxing Day
        - New Year's Day
        - Australia Day
        - Good Friday
        - Easter Monday
        - ANZAC Day
        - King's Birthday
        - Labour Day
    ii. Local Public Holidays:
        - Grand Final Friday (VIC)
        - Melbourne Cup (VIC)
        - Ballarat Cup or Ballarat Show Day (VIC) – whichever is first gazetted as a Public Holiday
        - Queensland Show Day (QLD)
        - Canberra Day (ACT)
        - Reconciliation Day (ACT)
        - Adelaide Cup Day (SA)
        - Bank Holiday (NSW) – to be taken in conjunction with the annual Christmas closedown
b. Annual Leave – twenty (20) working days annual leave per annum (pro rata for part-time and fractional staff).
c. University Holidays – three (3) University Holidays are declared each year and taken in conjunction with the annual Christmas closedown. The University Holidays occur on days which are not covered by a gazetted Public or Declared Holiday.

Section 4 - Annual Leave

Entitlement

(11) Staff members are entitled to annual leave on full pay accruing at the rate of 20 working days (or pro rata) for each completed paid year of service from the date of their commencement. Annual leave accrues at the rate of 1.66 (recurring) days per month (or pro rata), provided the staff member is not absent on unpaid leave which does not count as service (for example under the Parental Leave Policy).

(12) Where a Public Holiday occurs during the period a staff member is absent on annual leave and such Holiday is observed on the relevant campus, no deduction will be made for that day from the annual leave credits of the staff member.

Planning for Annual Leave

(13) Annual leave balances and plans will be discussed as part of the ongoing Progress Plan conversations between the staff member and their nominated supervisor. Staff and their supervisors are expected to make provision for annual leave to be taken to support staff health and wellbeing by enabling staff to take a break from work to recuperate.

(14) For Academic Staff, annual leave plans will be discussed as part of workload planning and allocation. The full annual academic workload allocation of 1590 hours assumes that an Academic Staff member will take their accrued annual leave for the calendar year. Where all accrued annual leave for a calendar year is not taken, the hours equivalent to the untaken annual leave are available to be assigned as workload hours for other academic activities in accordance with the Academic Workload Policy.

Applying for and taking Annual Leave

(15) Staff apply for annual leave via Staff Connect. The time(s) of taking annual leave will normally be by mutual agreement between the staff member and their nominated supervisor and the following principles will apply:

a. the authorising of annual leave during a particular period will be subject to the operational and service provision requirements of the particular work unit and embargo periods;
b. the staff member will provide reasonable notice of requests for annual leave;
c. annual leave will normally be cleared within 52 weeks of the date on which the staff member becomes entitled to such leave;
d. for staff on fixed-term appointments, all annual leave will normally be taken within the period of the appointment (except during any period of notice), unless the relevant member of the Executive approves a recommendation from the nominated supervisor that the staff member cannot be released in order to clear part of, or all of, their leave during the term of the appointment;
e. annual leave cannot be used to 'top up' periods worked, or periods of leave taken, at a reduced time fraction.
f. each staff member and nominated supervisor will be responsible for ensuring that a staff member's annual leave accumulation remains below 40 days (or pro rata); and
g. where a staff member's annual leave balance has reached 40 days (or pro rata), they may be given a direction to take annual leave (refer to clauses (28) to (35) of this Policy).

(16) A nominated supervisor must not unreasonably refuse to approve a staff member's request to take an amount of annual leave.

(17) If a staff member and their nominated supervisor are unable to agree upon the time of taking of annual leave, the matter will be referred to the member of the Executive responsible for the unit in which the staff member works.

(18) Where a staff member makes an application for annual leave and they do not have sufficient annual leave to cover the period, the period in excess of the current annual leave balance may be taken as Leave Without Pay (see the Leave Without Pay Policy).

Embargo Periods

(19) Leave may not normally be approved during an embargo period(s). An embargo period may apply when there are operational requirements identified by the manager of an organisational unit. Staff members should be advised of such embargo periods normally two (2) months in advance with one month's notice given of any variations.

(20) Annual leave will normally be outside the study period for academic staff.

Annual Leave and illness

(21) Where a staff member is ill or incapacitated for two (2) or more consecutive working days while on annual leave the staff member will be placed on Personal (Sick) Leave (where available), provided that a medical certificate from a registered health practitioner or a statutory declaration by the staff member is submitted for the period of the illness. No deduction shall be made from annual leave credits for the days to which the certificate or declaration relates. (see the Personal Leave Policy).

Management of Excess Annual Leave – Direction to take Annual Leave

(22) When a staff member's annual leave exceeds forty (40) days (or pro rata), the nominated supervisor is entitled to direct that staff member to take ten (10) days annual leave to reduce the annual leave balance to below thirty (30) days by a specified date.

(23) The direction must be given in writing and copied to People and Capability [1]. A template for this purpose is available in the Leave Management Conversation Guide.

> [1] The University's capacity to direct a staff member to take annual leave in the circumstances outlined in this Policy is considered to be reasonable; and is consistent with the provisions of S93(3) of the Fair Work Act 2009 (Cth).

(24) The direction will give two (2) months' notice to the staff member to take one of the following options which will be subject to approval by the nominated supervisor:

a. reduction of their leave balance to below thirty (30 days) within six (6) months of the date of the notice; or
b. reduction of their leave balance to below twenty (20) days within one (1) year of the date of the notice.

(25) A further direction may be issued by the nominated supervisor, if, at the expiry of the two (2) month notice period following the direction, the circumstances below apply:

a. the annual leave balance has not been reduced in accordance with one of the options above; or
b. no agreed plan for reducing the accrued annual leave has been established; or
c. planned annual leave is cancelled by the staff member; and
d. there are no exceptional circumstances to explain why annual leave has not been reduced.

(26) In the further direction, the nominated supervisor may require the staff member to take sufficient annual leave to bring their accrued leave to below thirty (30 days) and may direct the dates on which such leave will be taken. At least two (2) months' notice of the date on which the staff member is directed to take leave will be given. The direction must be given in writing and copied to the Directorate. A template for this purpose is available in the Leave Management Conversation Guide.

(27) In the above circumstance, if the staff member does not take the annual leave, the University will be entitled to deduct, from the staff member's accrued annual leave, the amount of annual leave that the staff member has been directed to take at the conclusion of the directed period.

(28) Staff may not be directed to take annual leave when they are serving a period of notice (of termination of employment).

Cashing Out Excess Annual Leave

(29) A staff member may apply to cash out up to twenty (20) days of annual leave if the staff member is a full-time staff member, (and pro rata of the full-time entitlement to twenty (20) days if the staff member is a part-time staff member), under the following circumstances:

a. the staff member's annual leave balance exceeds forty (40) days (pro rata for part-time); and
b. the staff member provides written notice to the University stating they wish to forego the annual leave and receive the payment instead by completing the Request Cash Out of Annual Leave in Service Central; and
c. the University agrees to allow the staff member to forego the annual leave.

(30) The nominated supervisor will make a recommendation in relation to the application to the relevant member of the Executive. In exercising their discretion, the matters to be taken into consideration will include the possible work health and safety effect of the staff member foregoing the taking of a period of annual leave, having regard to the pattern and circumstances of leave taken by the staff member during the preceding twelve (12) month period.

(31) Approved cash out of annual leave will be paid, within a reasonable time, at the rate of pay equivalent to the amount the staff member would have received for working the ordinary hours for the period to be cashed out.

(32) The following behaviour is prohibited under the Fair Work Act 2009 (Cth):

a. requiring a staff member to forego annual leave; or
b. exerting undue influence or pressure on a staff member in relation to the making a decision whether or not to forego annual leave.

Purchase of Additional Annual Leave (Individual Flexibility Arrangement)

(33) A staff member may elect to enter into an arrangement to purchase additional annual leave of either ten (10) days (two (2) weeks) or twenty (20) days (four (4) weeks) (or pro rata) additional leave in a twelve (12) month period or an agreed period of less than twelve months.

(34) The purchased leave will be funded through the reduction in the staff member's ordinary rate of pay. To calculate the purchased leave rate of pay, the staff member's ordinary salary rate will be reduced by the number of weeks of purchased leave and then annualised at a pro-rata rate over the twelve (12) month or averaged over the agreed period.

(35) The conditions for purchase of additional annual leave are:

a. annual leave loading is not payable on purchased additional annual leave;
b. you are expected to have used your existing annual leave balance at the start of your period of purchased annual leave.

(36) An application for purchased leave must be made on the Request Purchase Additional Annual Leave form in Service Central, on which the staff member will elect the amount of additional leave they wish to purchase (i.e. 10 or 20 days) and the anticipated dates the purchased leave will be taken. The conditions of purchased leave are set out on the form. By signing the form, the staff member agrees to those conditions.

(37) Purchased leave is endorsed by a staff member's nominated supervisor and approved by the relevant Member of the Executive, on advice from People and Capability. People and Capability will identify the 52 week period over which the staff member's salary will be reduced in order to fund the purchased leave. This will normally commence from the pay period 52 weeks before the end date of the purchased leave, or after agreement to the Individual Flexibility Arrangement by People and Capability.

(38) The staff member will be provided with a copy of the Individual Flexibility Arrangement within fourteen (14) days after it is agreed to by People and Capability. People and Capability will keep a copy of the arrangement as a times and wages record.

The University or the staff member may terminate the Individual Flexibility Arrangement:

a. by giving no more than 28 days written notice to the other party to the arrangement; or
b. at any time, if the University and the staff member agree in writing.

(39) Where an Individual Flexibility Arrangement is terminated or a staff member leaves the University before the end of the 52 week period, a reconciliation will take place. Any leave taken under the arrangement will be calculated at the rate applicable when the leave was taken and any over deducted amounts will be refunded to the staff member. Any amounts owing for leave already taken will remain payable by the staff member.

Payment of Annual Leave on Termination of Employment

(40) When a staff member resigns, retires, is dismissed or otherwise terminates from employment, the staff member shall receive payment in lieu of annual leave accrued but not taken. In all instances payment in lieu shall be for annual leave accrued for each completed year of service plus a pro rata amount for the current year of service calculated on a daily basis.

(41) In the event of termination of employment due to the staff member's death, payment in lieu of annual leave not taken where such leave is owing shall be made to the legal representative or estate of the staff member in accordance with the Death in Service Protocol.

Section 5 - Annual Leave Loading

(42) Staff who are entitled to annual leave are entitled to annual leave loading. A staff member, who as at 31 December in any year, has qualified for twenty (20) working days (pro rata for part-time and fractional staff) annual leave will be entitled to an annual leave loading equal to 17.5% of four weeks' salary. Pro rata annual leave loading is paid when a staff member's employment:

a. commenced after 1 January in any year, or
b. terminates before 31 December in any year.

(43) Annual leave loading is subject to a maximum payment of the equivalent to the relevant Report of the Commonwealth Statistician's average weekly for adult males (Australia).

(44) Annual leave loading is paid on a payday in December.

Section 6 - Revisions made to this Policy

(45) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description
11 July 2016	Major	Policy amended to incorporate: • changes to Public Holidays; • the provisions of the Australian Catholic University Staff Enterprise Agreement 2013– 2017; • arrangements for annual leaving loading previously in the Annual Leave Loading Policy (rescinded on 11 July 2016).
4 April 2019	Major	Updated to incorporate the provisions of the ACU Staff Enterprise Agreement 2017-2021.
4 April 2019	Editorial	Updated to incorporate new ACU branding and updated Policy template as per the Policy Development and Review Policy.
1 July 2020	Editorial	Updated to clarify annual leave during notice periods.
30 March 2021	Major	Updated to clarify the conditions for purchased annual leave,
18 November 2021	Editorial	Updated to incorporate reference to the Progress Plan.
28 August 2023	Minor	• Updated to incorporate the provisions of the ACU Staff Enterprise Agreement 2022-2025. • Updated Director, HR to Chief People Officer. • Updated Human Resources to People and Capability.
4 April 2024	Editorial	Updated to incorporate 2023 amendments to the Paid Parental Leave Act 2010.

(46) The University may make changes to this Policy from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to People and Capability.

Section 7 - Further Assistance

(47) Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required, staff should visit Service Central.

Section 8 - Associated Information

(48) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Status and Details

Status	Current
Effective Date	2nd April 2024
Review Date	28th August 2028
Approval Authority	Vice-Chancellor and President
Approval Date	2nd April 2024
Expiry Date	Not Applicable
Responsible Executive	Angelle Laurence Chief People Officer
Responsible Manager	Angelle Laurence Chief People Officer
Enquiries Contact	Bernardine Lynch ER and Safety Committees and Policy Officer People and Capability