



Leave Policy

1. Purpose and Scope

KOI will endeavour to, where possible, approve leave requests by employees in order to best accommodate personal, family, work and community commitments, without compromising the achievement of KOI's business objectives.

Leave entitlements are outlined under the National Employment Standards in the *Fair Work Act 2009* (Cth) ('**the Fair Work Act**'), in addition employees may have entitlement to leave under a modern award, enterprise agreement or State legislation (such as long service leave legislation). To the extent of any inconsistency between this policy and the legislation referred to above, the provisions of the legislation shall prevail.

In so far as this policy imposes any obligations on KOI (ie those in addition to those set out in legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees (ie those in addition to those set out in legislation), they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

This Policy applies to all KOI staff and sets out employees' entitlements to leave and the manner in which leave must be requested by employees.

KOI may unilaterally introduce, vary, remove or replace this policy at any time.

2. Related Documents

This Policy is to be read in conjunction with KOI's:

- Staff Handbook
- Staff Code of Conduct
- Time-In-Lieu Policy
- Fairness and Equal Opportunity Policy
- Prevention and Resolution of Bullying, Discrimination and Harassment Policy
- Family and Domestic Violence Policy
- Staff Complaints Policy
- Health, Safety and Wellbeing Policy
- Parental Leave Policy

3. Policy Requirements

Annual Leave

Eligibility and Entitlement

Permanent full-time employees are entitled to 4 weeks paid annual leave per year (pro rata for permanent part-time employees), which accrues progressively throughout the year according to an employee's ordinary hours of work and is cumulative from year to year.

Casual employees are not eligible to paid annual leave.

Annual leave periods will count towards continuous service.

Where applicable by law and/or the applicable Award, at your request, we may allow you to cash-out a maximum of two weeks' leave per year.

We incorporate annual leave loading in annual salaries, unless otherwise specified.



Procedures for Requesting Annual Leave

All requests for annual leave must be approved in advance by KOI's Senior Executive Group (SEG). The employee's relevant immediate manager will consider the employee's request in conjunction with the business and operational needs of the workplace. Employees should complete a request for leave form, providing, where possible, four (4) weeks' notice of his/her leave, to their immediate manager. An employee must have an accrued leave balance of at least the amount of leave the employee proposes to take, KOI does not allow employees to go into a negative annual leave balance.

Simply making a request for annual leave does not automatically entitle an employee to take such leave. Where possible your manager will confirm approval of leave requests within one week. KOI may refuse to authorise a period of annual leave on the grounds of the operational requirements of the business or in the event that the employee has provided insufficient notice of his/her desire to take leave. KOI will not unreasonably refuse to approve a period of annual leave or deny an employee a period of annual leave which has already been authorised.

The Senior Executive Group will determine whether there are specific periods/dates throughout the year where the operational requirements of the business prevent employees from taking leave, for example where admissions staff are processing student applications. Annual leave applications made within these designated periods will not be approved unless exceptional circumstances exist. These dates will be published by the SEG prior to 31 May each year to apply for the period from 1 July to 30 June of the following year.

KOI Requiring Employees to Take Annual Leave

KOI may direct an employee to take annual leave in certain circumstances, which will be determined by the applicable industrial instrument (if any) covering the employee.

Most employees will be required to take part of their annual leave during the Christmas/New Year period when KOI is officially closed. If insufficient leave is accrued, KOI may direct an employee to take unpaid leave.

Excessive annual leave

Managers are responsible for encouraging employees to take their annual leave breaks, and to ensure accumulated annual leave doesn't become excessive.

If your accrued annual leave is greater than 4 weeks, your Manager will:

- Discuss with you the need to take leave and schedule that leave within the next 12 months
- Discuss with you, different ways to reduce excessive accumulated annual leave, or;
- Give you notice of the need to take annual leave in line with the National Employment Standards

Termination of Employment

An employee is entitled to receive payment for the balance of his/her accrued but untaken annual leave when he/she ceases employment with KOI.

Personal / Carer's Leave

Eligibility and Entitlement

Personal/carer's leave refers to both sick and carer's leave. The entitlement to receive personal/carer's leave arises as follows:

- where an employee is unfit to work because of personal illness or injury; or
- an employee is required to provide care or support to a member of his/her immediate family or household due to personal illness, injury or an unexpected emergency.

For the purposes of this Policy, 'immediate family' means a spouse, former spouse, de-facto partner, former de-factor partner, child/ren, parent, grandparent, grandchild or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of the spouse, de-facto partner or former de-facto partner of the employee. Full-time employees are entitled to 10 days paid personal/carer's leave per year (at the base rate of pay, as defined under the Fair Work Act 2009 (Cth)). Part-time employees are entitled to paid personal/carer's leave on a pro-rata basis. An employee's entitlement to personal/carer's leave accrues progressively throughout the



year according to the number of ordinary hours that the employee works and is cumulative from year to year.

It is incumbent on employees to keep their manager informed if they are aware that personal/carer leave may be required, and the potential duration of the employee's absence if that can be reasonably determined.

Personal/Carers leave counts towards continuous service.

Casual employees are not eligible for paid personal/carer's leave.

Procedural Requirements for Personal/Carer's Leave

The following procedures apply:

- An employee shall, where practicable, advise their manager by phone call and or text message of his/her inability to attend for work prior to the commencement of his/her shift and the estimated period of absence; and
- An employee shall produce a medical certificate or other satisfactory evidence to prove his/her inability to attend for duty on the days in respect of which personal/carer's leave is claimed. Failure to produce a medical certificate or other satisfactory evidence will result in the employee's leave not being approved or paid. On return to work after a period of personal/carer's leave an employee will be required to complete the appropriate leave form on the day of his/her return.
- A medical certificate is required if the employee is off work for two or more days, or if you take excessive single days off we may also ask to see medical certificate evidence
- A medical certificate is required if the employee is absent from work on the first day of their work-week following from a public holiday, or on the last working day of the week prior to a public holiday.

Unpaid Carer's Leave

In addition to the paid entitlements outlined above, casual employees and permanent employees (who have utilised all of their paid personal/carer's leave) can access unpaid carer's leave entitlements for the purposes of providing care or support to a member of his/her immediate family or household due personal illness, injury or an unexpected emergency.

Employees are entitled to a period of up to 2 days unpaid carer's leave for each permissible occasion.

Periods of unpaid leave will not count towards continuous service.

Procedural Requirements for Taking Unpaid Carer's Leave

The procedural requirements for accessing these benefits are as per personal/carer's leave (see above).

Family and Domestic Violence Leave

All employees (including casual employees) are entitled to 10 days paid family and domestic violence leave each year.

Employees are entitled to the 10 paid days from the date they commenced with KOI and will not accumulate from year to year if it is not used.

The employee can request for family and domestic violence leave with the approval of the CEO, or in the absence of the CEO, the CEO's assigned delegate.

Paid family and domestic violence leave does not break an employee's period of continuous service, but does not count as service when calculating accumulated entitlements such as paid leave.

In addition to the above paid leave entitlement, employees of KOI can request to take accrued leave, or request to apply for additional leave without pay.



KOI will treat requests for paid family and domestic violence leave with confidentiality, as far as it is practicable to do so.

Family and domestic violence means violent, threatening or other abusive behaviour by a close relative that seeks to coerce or control you, causing harm or fear.

A close relative is:

- spouse or former spouse
- de facto partner or former de facto partner
- child
- parent
- grandparent
- grandchild
- sibling
- a current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or
- a person related to you according to Aboriginal or Torres Strait Islander kinship rules.

You may take paid family and domestic violence leave as:

- a single continuous 10-day period; or
- separate periods of one or more days each; or
- any separate periods to which is agreed with your manager

Confidential information, counselling and support for anyone impacted by domestic and family violence is available at <https://www.1800respect.org.au/>

A “close relative” for the purposes of this entitlement is a member of the employee’s “immediate family” (as defined above) and those related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Procedural Requirements for Taking Paid Family and Domestic Violence Leave

When applying for leave or flexible working arrangements because of domestic violence, the employee will be required to verify that they are a victim of domestic violence by providing one of the following:

- documents issued by Police Services (inclusive of a report filed with Police)
- documents issued by a court
- family violence support service documents
- a statutory declaration

Where, due to an emergency, it is not possible to provide advance notice of the intention to take leave, the employee should notify their manager or the HR Manager of their circumstances and anticipated length of absence before the close of business (or as soon as reasonably practicable).

Compassionate and Bereavement Leave

Eligibility and Entitlement

The purpose of taking compassionate leave is for an employee to either spend time with an immediate family member who has sustained a life-threatening illness or injury, or to take the compassionate leave as a result of the death of an immediate family or household member.

1. *Paid Compassionate Leave*

Permanent employees are eligible to access 2 days paid compassionate leave per occasion if a member of his/her immediate family or household:



- a member of their immediate family or household dies, or contracts or develops a life-threatening illness or injury
- a baby in their immediate family or household is stillborn
- they have a miscarriage
- their current spouse or de facto partner has a miscarriage

Permanent employees are entitled to payment at his/her base rate of pay for the employee's ordinary hours of work (as defined under the Fair Work Act 2009 (Cth)) when taking compassionate leave.

Casual employees are not eligible to access paid compassionate leave.

2. *Unpaid Compassionate Leave*

Casual employees are eligible to access 2 days compassionate leave per occasion; however, this is unpaid.

Procedural Requirements for Taking Compassionate Leave

To be eligible for these benefits an employee must comply with the following conditions:

- An employee shall, where practicable, advise their manager by phone call (not text message) of his/her inability to attend for work prior to the commencement of his/her shift and as far as possible state the reason for the absence and the estimated period of absence; and
- An employee shall produce appropriate written documentation as evidence to prove his/her inability to attend for duty on the days in respect of which compassionate leave is claimed. On return to work after a period of compassionate leave the employee will be required to complete the appropriate leave form.

Parental Leave

Employees may be able to access a period of unpaid leave when their child is born or adopted. Parental leave includes birth-related leave, concurrent leave, special maternity leave and adoption leave. For eligibility and entitlements, refer to KOI's Parental Leave Policy.

4. Recording and Reporting of Leave

Leave Requests

All Leave requests must be made on the Leave Request Form and submitted to the employee's manager. The manager must review the Leave Request and confirm that the employee has a sufficient balance of the type of leave being applied for, and that the leave request is not being made when the operational requirements of the business prevent an employee from taking annual leave.

Once the Leave Request has been signed off by the manager, the leave form is to be submitted to the payroll department for final approval sign off by the CEO.

Recording of Leave

All leave must be recorded in a Leave Register maintained by Payroll and an update provided to Human Resources, together with the supporting approved Leave Requests. This Leave Register must be updated each month showing:

- The progressive accrual of Annual and Personal/Carer leave, and the accumulation of other leave entitlements that have been granted to an employee.
- The leave taken by each employee by type of leave each month.
- The opening and closing monthly balances of leave entitlements and leave taken.



Excessive Accumulation of Annual Leave and Inappropriate Use of Leave Entitlements

The SEG is responsible for ensuring that employees who have accumulated in excess of 20 days of accrued Annual Leave are encouraged to take that Annual Leave as soon as practicable without disrupting the operational requirements of the business.

Inappropriate use of leave entitlements may include (but not be limited to):

- Leave taken is not applied for by the employee and/or not approved by a supervisor and/or not reported to Human Resources. Failure to apply for leave, obtain approval for leave, or not report that leave to your Reporting Manager and Human Resources may constitute a serious breach of the Staff Code of Conduct and be subject to disciplinary procedures
- Taking Personal/Carer's Leave for reasons other than for medical related reasons, may constitute a breach of genuine leave requests.

Reporting Managers, the SEG, and Human Resources may investigate any suspicious use of leave entitlements. Reporting Managers and the SEG will report their suspicions and outcome of any investigation to Human Resources, who, in turn, will report these matters to the CEO who shall determine the course of appropriate action in accordance with policies.

5. Associated Information

Leave Request Form

Document control

Policy title	Leave Policy
Policy owner	HR Manager
Policy version date	24 February 2024
Policy approver	Council, on the recommendation of the Audit and Risk Committee
Date of approval	1 March 2024
Date of implementation	4 March 2024
Date of next review	1 January 2027
Changes in this version	New Policy

KOI amends its policies periodically and printed copies of this document, either in part or whole, are considered as uncontrolled and should not be relied upon as the most current document. It is the responsibility of individuals printing the document to always refer to the KOI website for the current version.

*****END OF POLICY*****