# Purchased Leave Procedure

# Section 1 - Purpose and Objectives

(1) This Procedure outlines the conditions and process for applying for Purchased Leave.

# Section 2 - Definitions, Terms, Acronyms

| Terms | Definitions |
|---|---|
| Authorised Officer | the officer authorised to exercise the relevant HR power or function in accordance with the Human Resources Sub-delegations Schedules. |
| Enterprise Agreement | The University of Queensland Enterprise Agreement 2021-2026 or as amended or replaced. |
| Purchased Leave | Purchased Leave is unpaid leave that is funded by a staff member through fortnightly pre-tax salary deductions, over 26 fortnightly pay periods. The fortnightly pre-tax salary deduction is accumulated and held by the University, and accessed by the staff member as salary during a period of Purchased Leave. |

# Section 3 - Procedure Scope/Coverage

(2) This Procedure applies to all continuing, research (contingent funded), and fixed-term staff members.

# Section 4 - Procedure Statement

(3) A staff member may purchase up to 4 weeks leave, subject to approval in accordance with this Procedure.

# Section 5 - Purchased Leave

(4) Purchased Leave is a flexible work arrangement that allows a staff member to purchase up to 4 weeks leave per 26 fortnightly pay periods.

(5) Certain staff members have the 'right to request' a flexible work arrangement in accordance with Section 65, Division 4 of the Fair Work Act 2009 (Cth), as referenced in the Flexible Work Policy. A range of flexible work arrangements are available at the University as outlined in the Flexible Work Policy.

### Eligibility

(6) A staff member is eligible to purchase up to 4 weeks leave per 26 fortnightly pay periods if the following criteria are met at the commencement of the Purchased Leave arrangement:

a. The staff member holds a continuing appointment or has at least 12 months left on their current contract of employment;
b. The staff member does not have an excess recreation leave or long service leave balance in accordance with

the Enterprise Agreement; and

c. The staff member does not have an excess Flexi-time or VBT balance in accordance with the Attendance, Hours of Work and Overtime (Professional Employee) Procedure.

## Conditions

(7) Purchased Leave arrangements allow a staff member to purchase up to 4 weeks leave per 26 fortnightly pay periods, which is in addition to recreation leave entitlements.

(8) Purchased Leave arrangements must be entered into on an annual basis. To ensure efficient administration, Purchased Leave arrangements will commence at the beginning of a pay period.

(9) A staff member on a Purchased Leave arrangement must:

a. take the amount of leave purchased (up to 4 weeks) and their annual recreation leave accrual during the 26 fortnightly pay periods; and
b. plan the period(s) of leave to be taken for the year in advance and submit to their Supervisor for approval prior to commencing the arrangement; and
c. take a period of Purchased Leave for a minimum period of 1 week.

(10) In exceptional circumstances, a staff member may apply to the Supervisor to make a change to the approved leave plan.

## Calculation and Payment of Salary

(11) Purchased Leave will be funded through the staff member agreeing to a fortnightly pre-tax salary deduction, which accumulates and is paid to the staff member during the Purchased Leave periods (noting that Purchased Leave cannot be paid in advance of the pay period in which it occurs).

(12) The fortnightly pre-tax salary deduction is a fixed amount per fortnight for the 26 fortnightly pay periods and is based on the base salary (and applicable allowances as per the 'Allowances and Salary Loadings' provisions below) at the time of commencement of the arrangement. A staff members' payment during Purchased Leave will therefore be equivalent to this calculated base salary (and applicable allowances), as at the time of commencement of the Purchased Leave arrangement.

(13) The fortnightly deduction will not be impacted by any changes to salary that a staff member may receive during the 26 fortnightly pay periods of the Purchased Leave arrangement.

(14) The fortnightly salary deductions for the Purchased Leave arrangement will commence the next practical pay period after approval or as otherwise specified (noting that to ensure efficient administration, Purchased Leave arrangements must commence at the beginning of a pay period).

(15) The fortnightly pre-tax deduction from salary is generally determined as per the following example:

| | | |
|---|---|---|
| Standard base salary per annum (gross) | = | $52,178.44 |
| Standard base salary per fortnight (gross) | = | $ 2,000.00 |
| Purchased Leave 4 weeks (gross)<br>[(fortnightly salary/2) x number of weeks purchased]<br>(($2,000/2) x 4) | = | $ 4,000.00 |
| Fortnightly pre-tax deductions for 4 weeks Purchased Leave<br>($4,000/26 fortnights) | = | $ 153.85 |

| | | |
|---|---|---|
| Fortnightly salary during the Purchased Leave Agreement (gross)<br>($2,000-$153.85) | = | $ 1,846.15 |

### Allowances and Salary Loadings

(16) The fortnightly pre-tax deduction will be based on a staff member's substantive base salary only. Allowances will not be included in the calculation of the fortnightly deduction and subsequent payment during Purchased Leave.

(17) In the event a staff member is in receipt of a salary loading (such as a market or management loading) for the life of the proposed Purchased Leave arrangement, they may request that the salary loading be included in the calculation through the Purchased Leave Form, for consideration by the Authorised Officer.

# Section 6 - Leave

### Leave Entitlements

(18) Purchased Leave will count as service and therefore leave entitlements will accrue during the period of Purchased Leave.

(19) A staff member will be eligible to receive paid leave entitlements on a period of Purchased Leave in accordance with the relevant procedure. In the event a staff member seeks to access Personal Leave during a period of pre-approved Recreation Leave or Purchased Leave, the request must be accompanied by a medical certificate. Any resultant amendment to the leave plan must be agreed with the Authorised Officer.

### Public and University Holidays

(20) A staff member on a Purchased Leave arrangement will be paid for all public holidays and any University holidays that occur during the Purchased Leave period.

# Section 7 - Superannuation

(21) Employer and staff member superannuation contributions during a period/s of Purchased Leave (up to 4 weeks) will continue. Superannuation contributions during periods of Purchased Leave will be calculated based on the Purchased Leave payment, which is determined at the time of entering into the Purchased Leave arrangement.

(22) A staff member should ensure that they are aware of any impacts to their superannuation prior to applying for a Purchased Leave arrangement.

# Section 8 - Financial Advice

(23) Staff members are encouraged to seek independent financial advice on the superannuation and taxation implications of entering into a Purchased Leave arrangement.

# Section 9 - Withdrawal from a Purchased Leave Arrangement

(24) It is expected that a staff member will only request a withdrawal from a Purchased Leave Arrangement in exceptional circumstances characterised by unforeseeable circumstances. Any requests to withdraw from a Purchased

Leave arrangement must be approved by the Authorised Officer. Where a staff member withdraws from a Purchased Leave arrangement, the leave taken and deductions made will be reconciled. Any monies owing to the staff member will be paid out and any monies owing to the University must be repaid as soon as reasonably practicable, in accordance with the relevant legislation.

# Section 10 - Cessation of Employment

(25) In the instance a staff member ceases their employment with the University part way through a Purchased Leave arrangement, the University will reconcile the amount of leave purchased and amount of Purchased Leave taken by the staff member as at the date of separation.

(26) A staff member will either be refunded the amount of Purchased Leave not taken as of the date of separation, or the University will off-set and deduct any amounts owing to the University from the staff member's final monies to the extent permissible by law. If there is no salary from which to recover the amount, the staff member must provide reimbursement to the University on receipt of written advice confirming the amount owing.

# Section 11 - Completion of Purchased Leave Arrangement

(27) At the completion of a Purchased Leave arrangement the leave taken and deductions made will be reconciled. Any monies owing to the University must be repaid as soon as reasonably practicable, in accordance with the relevant legislation. In exceptional circumstances, a staff member with unused Purchased Leave at the completion of the Purchased Leave arrangement will be refunded the portion of unused Purchased Leave.

# Section 12 - Applying for Purchased Leave

### Staff Member Responsibilities

(28) A staff member may apply (via Workday) to the Supervisor and/or the Authorised Officer for Flexible Work Arrangements to purchase up to 4 weeks leave.

**Requests submitted in accordance with the provisions of the Fair Work Act 2009 (Cth)**

(29) A staff member who is requesting a flexible work arrangement in accordance with Section 65, Division 4 of the Fair Work Act 2009 (Cth), as referenced in the Flexible Work Policy, may be requested to provide reasonable evidence to support their application to the Authorised Officer.

### Authorised Officer Responsibilities

(30) When considering applications for Purchased Leave, consideration should be given to:

a. eligibility requirements;
b. the personal circumstances of the staff member;
c. operational requirements of the organisational unit;
d. the workload of the position; and
e. whether the request for a Purchased Leave arrangement has been made in accordance with Section 65, Division 4 of the Fair Work Act 2009 (Cth), as referenced in the Flexible Work Policy.

**Requests Submitted in Accordance with the Provisions of the Fair Work Act 2009 (Cth)**

(31) Where a request is submitted in accordance with Section 65, Division 4 of the Fair Work Act 2009 (Cth), the University is required to provide a written response within 21 days of receipt of the request. The University may only refuse a request for flexible working arrangements made in accordance with the Fair Work Act 2009 (Cth) on reasonable business grounds.

(32) In the instance a request made under this section of the Fair Work Act 2009 (Cth) is not approved, the Authorised Officer must consult with Human Resources Division prior to informing the staff member of the decision.

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