

Know Your Agreement

Flexible leave

Clause 30.4

Previously, paid personal leave could only be used as either sick leave or carer's leave. Under this Agreement, however, employees are now able to use one day per year of their paid personal leave as 'flexible leave' for, in the words of the Agreement, 'any reason'.

Maybe you want a day off to move house, go to a wedding, spend time with a visiting relative, attend a job interview, take the grandkids for a day out, get to band rehearsal before your first big gig, have a long weekend away...

While most school staff might (as they are often reminded!) have substantial 'holiday' periods, the nature of the school calendar all-too-often means that they cannot take time off when they actually need it. This new provision gives back a small but important bit of flexibility.

Unlike other forms of personal leave, there are no evidence requirements around flexible leave – the only requirement is that the request is made in writing. Note that it can be refused if the absence cannot be 'reasonably managed due to operational requirements' – so it's a good idea to give as much notice as possible.

Personal Leave – evidence and responsibilities

It's worth a quick refresher around evidence requirements for other forms of personal leave. Notice of the taking of personal leave must be given as soon as is practicable – but in an emergency this might be after the leave has actually started.

Employers can request **reasonable evidence** (which could include a statutory declaration) that the leave is being taken for the specified reason for any instance of carer's leave or for sick leave that is taken over **more** than two consecutive days, where there have been 5 sick days already taken in that year without a medical certificate, or where the sick leave is adjacent to a public holiday.

Finally, in answer to one of our most commonly raised questions: no, you can't be obliged to work while on leave! Sure, if you can flick over some already-prepared lesson plans via email this will help the colleague covering for you, but this is at your discretion and is not an obligation.

30.4 Flexible leave

(a) An Employee is entitled to apply to take up to a maximum of one day (7.6 hours) per school year from their paid personal leave balance as flexible leave.

(b) Flexible leave:

(i) can be taken for any reason;

(ii) is not cumulative; and

(iii) does not apply to a Casual Employee.

(c) An Employee must request flexible leave in writing.

(d) An Employer may refuse to approve flexible leave where the Employee's absence on that day cannot be reasonably managed due to operational requirements.