Parental Leave Procedure (MPF1139)

GOVERNING POLICY

This procedure is made under the Leave Policy.

SCOPE

This procedure applies to all fixed term, continuing and casual staff.

PROCEDURE

1. Eligibility for parental, maternity, partner, adoption and permanent carer leave

1.1 A staff member may apply for this leave who is:

- a continuing staff member
- a fixed-term staff member or
- a casual staff member who has been a long-term casual staff member and who is determined by their supervisor, in consultation with the local Human Resources consultant, to have had a reasonable expectation of ongoing employment but for the birth or placement of the child.

2. Notification of parental leave

2.1 A staff member wishing to apply for parental leave will advise their supervisor in writing at least ten weeks before the leave commences of their intention to take parental leave and the anticipated start and end dates of the leave.

2.2 A staff member will provide evidence supporting the expected birth date or date of placement or, if requested by the supervisor, the staff member's legal relationship to the child.

3. Applications for parental leave

3.1 A staff member will apply for parental leave, at least four weeks before the leave commences, by submitting a completed Application for Parental Leave to their supervisor or level 1 delegate for approval, which includes the following information and supporting evidence:

- the date of commencement of leave
- the various kinds of leave, paid or unpaid, for which application is made
- the date of resumption of duty
- a medical certificate which certifies the expected date of birth, or, where appropriate, a certificate from the adoption agency (if not previously provided) and
- in the case of an application for partner leave, a statutory declaration that outlines the staff member's primary carer status, details of any paid leave taken by the staff member's partner and, in the case of staff couples, any shared parenting arrangement.

4. Parental leave entitlements and continuous service

4.1 A staff member's parental leave entitlements depend upon the staff member's length of continuous service at the University, as set out in Schedule A – Summary Table of Parental Leave Entitlements.
4.2 Continuous service for the purposes of parental leave means service under an unbroken contract of employment and includes any period of parental leave, any period of leave or absence authorised by the University and any period of part-time work. Approved parental leave shall not break continuity of employment although any portion taken as unpaid leave will not count as service for purposes of calculating LSL or Annual Leave.

4.3 Where a fixed-term staff member employed on a second or subsequent fixed-term contract:

- ceases employment because of the expiry of the contract
- there is a break in service of six weeks or less and
- the staff member is then re-employed by the University,

the break in service will not be deemed to interrupt continuous service for the purpose of calculating parental leave entitlements.

4.4 Where a fixed-term staff member employed on a second or subsequent fixed-term contract receives a severance payment at the completion of the fixed-term contract, the break in service will be deemed to interrupt the staff member's continuous service.

4.5 All leave accruals and superannuation contributions during period of half pay will be made on a pro-rata basis.

5. Maternity leave

5.1 A staff member who is pregnant may apply for maternity leave, as detailed in Schedule A - Summary Table of Parental Leave Entitlements.

5.2 A staff member may seek approval from her supervisor that her entitlement to:

- 14 weeks paid maternity leave be taken on half pay for 28 weeks; or
- 24 weeks paid maternity leave be taken on half pay for 48 weeks.

Any such leave taken on half pay will result in all leave accruals and superannuation also being on a pro-rata basis.

5.3 A supervisor, in determining whether to allow a staff member to take maternity leave on half pay, will take into consideration the operational requirements and financial considerations of the work unit.

5.4 Where a staff member on maternity leave contracts an illness resulting from pregnancy or childbirth and such illness extends beyond the period of paid maternity leave, the local Human Resources officer will place the staff member on sick leave for the period of illness after the expiration of the paid maternity leave, provided that the staff member submits a medical certificate or statutory declaration.

5.5 A staff member who has a medically defined late pregnancy miscarriage or the birth of a stillborn child and who has commenced paid maternity leave, may complete the balance of her paid maternity leave.

5.6 A staff member may take sick leave following the birth of a stillborn child or the termination of a pregnancy.

6. Partner leave
6.1 A staff member who has taken maternity or adoption and permanent care leave may not apply for partner leave for the same birth or placement as set out in Schedule A - Summary Table of Parental Leave Entitlements.

6.2 A supervisor, in determining whether to allow a staff member to take partner leave on half pay, will take into consideration the operational requirements and financial considerations of the work unit.

7. Adoption and permanent care leave

7.1 A staff member may apply for adoption and permanent care leave who:

- adopts a child under the age of 16 years (adoption leave) or
- takes responsibility for the permanent care of a child under the age of five years (permanent care leave),

provided that the child has not previously lived continuously with the staff member for a period of six months or more, or is not a child or step-child of the staff member or the partner of the staff member.

7.2 Where both parents of the placed child are staff members, only one staff member may apply for the paid component of adoption and permanent care leave and the other parent may apply for partner leave.

7.3 A staff member may seek approval from their supervisor that the entitlement to:

- 14 weeks paid adoption and permanent care leave be taken on half pay for 28 weeks or
- 24 weeks paid adoption and permanent care leave be taken on half pay for 48 weeks.

7.4 A supervisor, in determining whether to allow a staff member to take adoption and permanent care leave on half pay, will take into consideration the operational requirements and financial considerations of the work unit.

7.5 A staff member may apply for up to two days of unpaid pre-adoption leave to attend any interviews or examinations relating to the staff member’s adoption of the child.

8. Staff couples and shared parental leave arrangements

8.1 Where both parents are University staff members:

- Each parent may apply for up to 52 weeks unpaid parental leave, to a possible combined maximum period of 104 weeks.
- Periods of parental leave will be consecutive and not concurrent, except for a period of three weeks at the time of birth or placement of the child, unless the staff members negotiate a shared parental arrangement.
- If one parent applies to extend their period of parental leave, the amount of the extended period will be deducted from the other parent’s entitlement so that the combined total does not exceed 24 months.

8.2 Where both parents are eligible for parental leave and are sharing the primary care of the child between them, paid parental leave may be shared between the parents, providing the entitlement of both parents combined does not exceed 14 weeks in total. In circumstances where both parents each have five years or more service with the University, the shared leave entitlement to maternity/partner leave does not exceed 24 weeks. One staff member will apply for maternity or adoption and permanent care leave on their required days, and the other staff member will apply for partner leave on their days.
9. Commencement of leave

9.1 A staff member will commence maternity leave no less than six weeks before the anticipated date of birth except that she may commence leave at an earlier or later date on condition that she provides a supporting medical certificate to her supervisor within seven days of the supervisor requesting it. If the staff member is unable to provide the requested medical certificate, the University may require the staff member to commence maternity leave on the date initially nominated.

9.2 A staff member will commence paid partner leave during the period from one week before the anticipated date of birth or placement of the child until five weeks after the birth or placement and will commence the additional paid or unpaid entitlement of partner leave no later than three months after birth or placement of the child.

9.3 A staff member will commence adoption and permanent care leave from the date on which the staff member takes custody of the child being adopted or permanent care of a child commences.

10. Conditions while on parental leave (paid outside work)

10.1 A staff member on paid parental leave may not engage in outside employment or full-time study.

11. Health and safety

11.1 A staff member who is pregnant may use sick leave or other leave entitlements to attend regular or emergency pre-natal medical appointments prior to commencing maternity leave.

11.2 If a pregnant staff member provides acceptable evidence that she is fit for work but unable to perform her present position as a result of illness or risks associated with the pregnancy, or hazards connected to that position, the University will transfer the staff member to an appropriate safe job or, where such a position is unavailable and the staff member has satisfied all the notice and evidentiary requirements of section 2.1 and 2.2, the staff member will be entitled to paid leave for the duration that the staff member would have been at risk.

12. Leave during parental leave

12.1 A staff member may take annual and long service leave during parental leave, provided the total period of parental leave, including unpaid leave, does not exceed 52 weeks (or 24 months, if extended) and the staff member’s annual leave entitlement on return from parental leave is not greater than one year's entitlement.

12.2 No additional leave is credited for University and public holidays which fall during a staff member's absence on parental leave.

13. Return to work during parental leave

13.1 As an alternative to unpaid leave, a staff member may, with the approval of their supervisor, return to work on a part-time basis (including a job-share arrangement) or working from home arrangement for the remainder of the maximum period of unpaid leave.

13.2 At the completion of 52 weeks parental leave period (including that portion worked on a part-time basis), the staff member will revert to the arrangement and time fraction worked prior to commencing parental leave, unless otherwise agreed by their supervisor.

14. Resumption of duty
14.1 A staff member returning to duty from parental leave, including a return to duty after working a reduced time fraction because of the pregnancy and a return to duty after working in a position that was varied for health and safety reasons, will be entitled to return to the position held immediately before taking parental leave.

14.2 A staff member may, with the approval of their supervisor, return to work on a part-time basis, or in a job share or working from home arrangement, at the conclusion of a period of parental leave. The duration of the alternative work arrangement may be varied after consultation and agreement by the supervisor. At the conclusion of the alternative work arrangement the staff member will return to the previous position and time fraction.

14.3 Where the position to which a staff member is entitled to return no longer exists, the University will employ the staff member in a position commensurate with the classification and duties for which they are qualified.

14.4 A staff member on parental leave may resume duty earlier than the date originally approved with the agreement of the head of department.

15. Extension of leave and further family provisions

15.1 A staff member on parental leave may request the head of department in writing, to extend their initial period of parental leave for a further continuous period of up to 12 months.

15.2 The head of department may approve an extension of parental leave where the total period of parental leave taken does not exceed 24 months. If the staff member's partner is also eligible for parental leave under this clause and they have taken a period of parental leave, the amount of the extended period will be deducted from the other parent's entitlement so that the combined total does not exceed 24 months. The period of extended parental leave is unpaid.

15.3 A staff member entitled to parental leave may request the head of department in writing four weeks prior to the expiry of the period of parental leave:

- to extend the period of concurrent parental leave provided for up to a maximum of eight weeks or
- to return from a period of parental leave on a part-time basis until the child reaches school age.

15.4 The head of department will consider the request having regard to the staff member’s circumstances and, provided the request is genuinely based on the staff member's parental responsibilities, may not refuse the request except on reasonable business grounds related to the effect on the workplace or the University's operations.

16. Return to work bonus

16.1 A staff member returning to work from maternity or adoption and permanent care leave who had completed more than 12 months service at the date the leave began may apply for a return to work bonus.

16.2 A staff member will apply for a return to work bonus by at least six weeks prior to resuming duty at the University, completing an Application for Return to Work Bonus, indicating:

- the date of resumption of duty
- the type of return to work option, an allowance, paid time release or a grant, for which the application is made.
16.3 A staff member will apply for a return to work bonus by submitting the completed form for approval to:

- the supervisor (level 1 delegate)
- for applicants who are heads of department, the head of budget division
- for applicants who are heads of budget division, the Provost or Executive Director HR.

16.4 The completed and approved form must be sent to local Human Resources.

16.5 A staff member may apply to vary an approved return to work bonus arrangement by re-submitting a completed Application for Return to Work Bonus for approval in the same way.

16.6 The return to work bonus, the equivalent of an additional 12 weeks’ salary calculated on the staff member’s salary at the date of commencing maternity or adoption leave, will be paid to the staff member upon the staff member’s return to work at the University.

16.7 The return to work bonus is non-superannuable.

16.8 A staff member will use the return to work bonus within 12 months of returning to work at the University.

16.9 A staff member who applies for the return to work bonus will enter into a written agreement with the University undertaking to:

- return to work for a period of at least 12 months following their return to work or
- repay all monies received or paid as the return to work bonus.

16.10 Where a staff member does not return to work for at least 12 months, the University may deduct the monies to be repaid from the staff member’s entitlements payable on termination of employment.

16.11 The head of budget division may approve an alternative approach to the recovery of the return to work bonus payments received by a staff member in compassionate circumstances.

16.12 A staff member who resigns prior to completing 12 months’ service after returning to work will forfeit any outstanding return to work bonus payments.

16.13 A staff member may apply in writing to the Executive Director HR to access the return to work bonus before returning to work setting out the circumstances of special need upon which early access to the return to work bonus is sought.

16.14 A staff member on partner leave may not apply for the return to work bonus except that, where both parents work at the University and the staff member identified as primary carer is on partner leave, they may be eligible for the return to work bonus, provided that:

- the mother of the child has not accessed the return to work bonus and has returned to work, and
- the cumulative absence of both parents is no greater than 104 weeks.

SCHEDULES

Schedule A – Summary Table of Parental Leave Entitlements
RELATED DOCUMENTS

- Human Resources website
- University of Melbourne Collective Agreement 2010
- Superannuation Procedure
- Leave Policy
- Annual Leave Procedure
- Long Service Leave Procedure
- Delegations Policy
- Human Resources Delegations

DEFINITIONS

**Partner**
A person of the opposite or same sex who lives with the staff member on a bona fide domestic basis although they may not be legally married to that person (including a former spouse, a de facto spouse and a former de facto spouse).

**Primary care giver**
A person who assumes the principal role of providing care and attention to a child.

**Child**
- a child (or children from a multiple birth) born to a staff member or a staff member's partner or
- a child who is placed with a staff member through an adoption or permanent care arrangement, who has not previously lived continuously with the staff member for a period of six months or more, or is not a child or step-child of the staff member or the partner of the staff member.

**Permanent care**
An arrangement where a child is placed through a Permanent Care Program by the Department of Human Services.

RESPONSIBLE OFFICER

The Executive Director, Human Resources is responsible for the development, compliance monitoring and review of this procedure and any associated guidelines.

IMPLEMENTATION OFFICER

The Director Specialist Services is responsible for the promulgation and implementation of this procedure in accordance with the scope outlined above. Enquiries about interpretation of this procedure should be directed to the implementation officer.

REVIEW

This procedure is to be reviewed by 30 June 2015.

VERSION HISTORY

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<td>27 July 2012</td>
<td>27 July 2012</td>
<td>New version arising from the Policy Simplification Project. Loaded into MPL as Version 1.</td>
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<td>Fix broken links in sections 3, 16 and Related Documents.</td>
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