Human resources

**Leave Without Pay - Teaching Service**

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**Overview**

Employees may be granted leave without pay for periods of up to twelve months for a range of reasons including:

* family reasons
* study or training
* employment, including self employment
* travel
* participate in, officiate at and/or train for sporting events
* pursuing the development of personal interests
* undertaking voluntary work, including participation in community and international aid programs
* campaigning for public office (other than an employee standing for a federal election who is required to resign)
* any other reason considered appropriate by the delegate.

Leave without pay in excess of twelve months, including extending a period of leave, may be granted where the delegate considers this is warranted.

Employees may also need to seek approval to engage in [other employment](https://www.education.vic.gov.au/hrweb/employcond/Pages/extemp.aspx) during a period of leave without pay.

**Granting leave without pay**

Applications for leave without pay are considered by the delegate under Division 18 of Part 6 of Order 1038.  With the exception of applications for leave without pay to count as service (see below), the principal has the delegation to approve leave without pay in respect of all staff employed at his or her school and the Regional Director has the delegation to approve leave without pay in respect of principals.

Applications for leave without pay must be made in sufficient time to enable the application to be determined prior to the commencement of the leave without pay.  In determining applications for leave without pay the following matters will be considered:

* the length of service of the employee
* the reason for leave
* the availability of suitable replacement staff
* any other factor considered relevant.

In general where leave without pay is sought for the school year, the period of leave would normally be granted from the first school day of one year to the day immediately preceding the first school day of the following year.  Where the period of leave without pay sought is for less than a school year but spans a school vacation period, the period of leave would normally include the vacation period.

The delegate may approve leave that commences during a term and may approve resumption at a time other than the beginning of a school term.  Where leave without pay is approved for a person employed fixed term the leave would only be granted up until the conclusion of the fixed term period of employment.

Except as set out below, leave without pay does **not count as service** for any purpose.  In advising an employee of the approval of a period of leave without pay the delegate should ensure that the employee is advised that the leave without pay does not count as service.

In special circumstances, an employee may make application for a period of leave without pay to be approved retrospectively to count as service.  Appropriate supporting documentation, including a statement of service if the leave relates to a period of employment with another employer, should accompany the request.

The application will be considered by the Secretary (or delegate) on its merits, including the circumstances which prevented the employee from making application for leave without pay to count as service prior to the commencement of the leave.  In this case applications should be directed to the principal (or Regional Director in the case of principals) who will forward the application, with the appropriate supporting documentation, to the Executive Director, People Division, for the consideration of the Secretary (or delegate).

Where the request is approved, appropriate adjustments will be made to the applicant's leave records.  Where necessary, the applicant's salary will be adjusted effective from the date of the application for such approval or the date of resumption from leave without pay, whichever is the later.

**Leave without pay to count as service**

Leave without pay to count as service may be granted for the following reasons:

* [study leave](https://www.education.vic.gov.au/hrweb/employcond/Pages/studylveTS.aspx);
* to engage in employment with the Commonwealth or any State or Territory of the Commonwealth or any public statutory body constituted under the law of the Commonwealth or a State or Territory of the Commonwealth including any university or educational institution offering courses at tertiary level;
* to engage in any other employment or occupation which would improve the potential of the employee to serve the State in the Teaching Service;
* to engage in employment in connection with any joint enterprise in which the Commonwealth or a State or Territory of the Commonwealth is concerned; or
* to engage in employment in or in connection with any other enterprise to which the State has agreed to provide assistance.

The principal (or Regional Director in the case of principals) has the delegation to approve [study leave](https://www.education.vic.gov.au/hrweb/employcond/Pages/studylveTS.aspx).  In all other cases applications for leave without pay to count as service will be determined by the Secretary (or delegate).  In this case applications should be directed to the principal (or Regional Director in the case of principals) who will forward the application, with the appropriate supporting documentation, to the Executive Director, People Division, for the consideration of the Secretary (or delegate).   
  
The Secretary has approved service recognition where leave without pay was granted to work at the following:

* the Victoria International School of Sharjah (VISS) (for leave approved on or before 21 February 2012).
* the Catholic Education Office, Victoria to implement the Ultranet
* a National Alliance for Remote Indigenous School (NARIS)
* Teaching Academies for Professional Practice (TAPP)
* Tech Schools

**Teaching whilst on leave without pay**

Approved teaching experience gained whilst on leave without pay approved on or after 30 July 2008 will be included as eligible service for salary purposes subject to the teacher resuming duty and providing evidence of the teaching experience.  Salary on resumption from leave without pay will be calculated as if this approved teaching experience had been in the Victorian Teaching Service.

Inclusion of approved teaching experience as eligible service for salary purposes gained whilst on leave without pay approved prior to 30 July 2008 requires approval by the Secretary (or delegate).  Applications should be directed to the principal (or Regional Director in the case of principals) who will forward the application, with the appropriate supporting documentation, to the Executive Director, People Division, for the consideration of the Secretary (or delegate).

**School vacation periods and public holidays**

Principal and teacher class employees are not entitled to payment during any school holiday periods that fall within a period of approved leave without pay.  Employees are not entitled to payment for any public holiday that falls within a period of approved leave without pay (including personal leave without pay).

**Early resumption**

Generally employees are not able to resume duty earlier than the expiration of the period of the approved leave.  However, the delegate may authorise an early resumption to duty in circumstances where the early resumption can be accommodated having regard to the educational and operational requirements of the school/workplace.

**Superannuation**

Employees are advised to contact their superannuation fund to seek advice regarding the impact on their superannuation during a period of leave without pay.  This is particularly important if the employee is a member of the New or Revised superannuation funds who should contact the [**Emergency Services & State Super**](http://www.esssuper.com.au/) (ESSSuper).

Teaching Service | [Public Service](https://www.education.vic.gov.au/hrweb/employcond/Pages/lwopPSS.aspx)

**Other Resources**

**Procedures & Forms**

The following applies in relation to applying for leave:

* Applications for leave should be submitted through Employee Self Service (ESS).  Select the following link for more information [ESS eduPay](https://www.education.vic.gov.au/hrweb/Pages/eduPay-help.aspx)
* An application will need to be made in writing where an employee is unable to access or use ESS or wishes to amend/delete leave submitted through ESS and approved on eduPay

**Legislation**

* [Legislation](https://www.education.vic.gov.au/hrweb/employcond/Pages/legislat.aspx)
* [Industrial Agreements](https://www.education.vic.gov.au/hrweb/employcond/Pages/certagree.aspx)
* [Industrial Awards](https://www.education.vic.gov.au/hrweb/employcond/Pages/awards.aspx)
* [Ministerial Orders](https://www.education.vic.gov.au/hrweb/employcond/Pages/tso.aspx)
* [Delegations](https://www.education.vic.gov.au/hrweb/Pages/resources/deleg.aspx)

**Related Topics**

* [Employment while on leave](https://www.education.vic.gov.au/hrweb/employcond/Pages/extemp.aspx)
* [Study leave](https://www.education.vic.gov.au/hrweb/employcond/Pages/studylveTS.aspx)

[Contact Information](https://www.education.vic.gov.au/hrweb/Pages/contactus.aspx)