

**PURPOSE**

This document sets out the Annual Leave arrangements and processes for RMIT Vietnam.

**EXCLUSIONS**

- Employees on an hourly-rate contract
- Employees on a seasonal contract of less than 03 months

For these two groups, Annual Leave entitlements are included in their pay.

**PROVISIONS****1. Eligibility:**

Employees on the following contract types:

- indefinite term
- definite term (between 12 and 36 months)
- seasonal contract from 3 months to 12 months

**2. Annual Leave entitlement:**

- 2.1. Employees who work continuously, full-time, for the University for twelve (12) months in a calendar year (without taking any unpaid leave, and/or extended sick leave, and/or having worked part-time during the year) shall be entitled to twenty (20) days of annual leave on full pay, per annum.
- 2.2. The above annual leave entitlement is inclusive of the minimum twelve (12) days of annual leave requirements as per Article 111 of the Labour Code, and an additional one (1) day annual leave for every five (5) working years as per Article 112 of the Labour Code.
- 2.3. Where employees have worked full time for a period of less than twelve (12) months in a calendar year, their annual leave shall be calculated on a pro rata basis in proportion to the number of actual normal working days, excluding overtime working hours (if any) from the beginning of the current year (or the employee's start date if they join the University after 1 January of the current year), to the last date of employment in the same year.
- 2.4. When employees take unpaid leave and/or extended sick leave, annual leave accrual will be reduced proportionately by that period.
- 2.5. Where employees have worked part time, their annual leave shall be calculated on a pro-rata basis, in proportion to the contracted workload.

**3. Use of Annual Leave**

- 3.1. Employees are not allowed to take annual leave during their probation period. Any leave taken during the probation period will be unpaid. When they successfully pass the probation period, the number of their entitled leave days will be computed from their start date.
- 3.2. Employees can use all or part of their potential leave entitlement at any time during the year of entitlement, providing that their leave application is approved by the Accountable Manager.
- 3.3. Employees are expected to take their annual leave within the year of entitlement. The annual leave entitlement can be carried forward and used during the first quarter of the following year. After 31 March, any unused annual leave of the previous year will be forfeited.
- 3.4. Employees and their Accountable Manager share the responsibilities for planning and scheduling the use of employees' annual leave.

- 3.5. The approval of annual leave application is at the discretion of the Accountable Manager. The manager may decline an employees' leave application for appropriate business reasons and may suggest an alternative period of time for taking leave.
- 3.6. Overuse of annual leave:
- 3.6.1. Overuse of annual leave occurs when:
- an employee takes unpaid leave and/or extended sick leave after using their annual leave entitlement for the year (see Clause 2.4: no annual leave accrues during such a period ).
  - an employee's contract is terminated before the year end and the annual leave taken has exceeded the actual annual leave entitlement, according to the new end date.
  - an employee changes from a full-time working to a part-time working arrangement and the annual leave taken has exceeded the prorated leave entitlement.
- 3.6.2. Any overused annual leave will be deducted from the employee's salary payment in January of the following year, or upon contract termination (whichever comes first).
- 3.6.3. The deduction rate for an overused annual leave day is equal to the salary payment rate for a normal working day at the deduction date.

#### **4. Annual Leave Application Process**

- 4.1. All annual leave requests must be submitted through HRESS in advance of the estimated date of commencing leave, unless there are extenuating circumstances.

<i>Number of consecutive leave days</i>	<i>Required notice period</i>
Less than three (03) days	At least five (05) working days
Three (03) to ten (10) days	At least ten (10) working days
More than ten (10) days	At least twenty (20) working days

- 4.2. In case of an emergency, if an employee needs to take annual leave and cannot apply in person or in advance, the employee or their family member must notify their direct supervisor, Accountable Manager or HR as soon as possible on the morning of the day of absence, by telephone or other means. Employees will be required to provide an adequate reason to obtain approval for the absence from their Accountable Manager. Failure to obtain approval will result in the absence being considered leave without proper reason in accordance with Article 10 of the Internal Labour Rules. The Employee must submit the leave request upon returning to work.

#### **5. Unused leave upon contract termination**

Accountable Managers are required to arrange for concerned Employees to use up their annual leave during the notice period. Where the business requirement does not allow doing so, any unused annual leave of the current year's entitlement will be cashed out and included in the final pay. The pay rate for one unused annual leave day will be equal to the pay rate for one normal working day, using the pay rate of the last employment date.

## **SUPPORTING/RELATED DOCUMENTS**

**Internal Labour Rules**

**UPDATED ON: 1 DECEMBER 2016**

## **ACCOUNTABILITIES**

Developed by:	Approved by:	Interpretation and Advice:
Human Resources Department	RMIT Vietnam President	Human Resources Department
Date:	Date:	