Reimbursement of Paid Leave Due to Compensation from a Third Party Policy

Section 1 - Purpose and Context

(1) This policy establishes the position of the University of Western Sydney (UWS) on recouping an employee's leave payments as provided by the University from a third party insurer, and the associated procedures. This may occur where the employee has received compensation from a third party due to injury or illness attributed to the third party for the same period of paid leave.

(2) This policy covers all academic and general ongoing and fixed-term staff and leave which incurs a payment to the employee by the University as the employer.

Section 2 - Definitions

(3) For the purposes of this policy:

a. The term third party refers to an organisation operating as a separate entity to the University.
b. The monetary value of the leave is inclusive of oncosts as detailed below. Oncosts are the additional costs to the University for the employment of staff.

Section 3 - Policy Statement

(4) The objective of this policy is to lessen the financial loss to the University caused by staff absences due to accidents and/or illness which are not attributable to the University as an employer.

(5) Receipt of payments from a third party insurer for a period of incapacity while also receiving payments from the University in the form of paid leave is counter to the principles contained in the University Code of Conduct.

(6) An employee who suffers an illness or injury which may allow a claim for damages or compensation from a third party (other than workers compensation in relation to a third party) is required to reimburse the University for the monetary value of any paid leave granted by the University for that illness or injury where their claim of damages for compensation is successful.

(7) The monetary value of the paid leave is:

a. The number of hours taken as University paid leave multiplied by the relevant hourly rate, plus
b. Payroll Tax, plus
c. Workers Compensation oncost, plus
d. Superannuation, plus
e. Annual Leave and Long Service Leave costs.

Section 4 - Procedures

(8) The onus is on the employee to:

a. claim compensation from a third party insurer where appropriate;
b. declare to the University that a claim has been made; and
c. facilitate reimbursement to the University of the monetary value of the leave.

(9) An employee may apply to the University for paid leave due to accident or illness which has occurred outside their University employment while the employee is seeking compensation from a third party insurer.

(10) Leave is provided in accordance with the relevant Staff Agreement.

(11) Should the employee cease employment with the University for whatever reason, the obligation to reimburse the University remains.

(12) To ensure that the University's claim for reimbursement of the monetary value of the leave is included in the overall claim for damages, the appropriate actions as set out below must be undertaken in a timely manner:

a. The employee must notify the University as soon as practical of their illness and/or injury, the expected period of absence and of their intention to seek compensation from a third party's insurer.
b. As part of the leave application process, the employee must complete a written undertaking to include in any general claim for damages a claim for the monetary value of the leave.

Prior to Settlement of the Third Party Claim

(13) The employee will inform their solicitor (or legal representative) that a written undertaking to repay the University for the monetary value of the leave exists, and that a claim for the detailed amount, as provided by the University, should be included in the overall claim for damages.

(14) The University may seek written authorisation from the employee to contact their solicitor directly regarding reimbursement of the monetary value of the leave.

(15) The University will provide details in writing, of the monetary value of the leave to the employee and, if authorised by the employee, also to the third party insurer, to be included in the third party claim.

(16) The employee will liaise with their supervisor, keeping the supervisor informed of the status of the claim, including the third party insurer's acceptance or otherwise of the claim and relevant issues.

Reimbursement Processing and Amendment to Leave Records

(17) If the claim is successful, on receipt of the compensation claim payment, the employee will reimburse the University as detailed below:

a. The employee will ensure that the documentation relating to the leave dates and the type of leave taken is sent to Payroll, Office of People and Culture (OPC).
b. Upon receipt, reimbursements will be credited to the employee's appropriate cost centre or provision through Oracle Financials:
    i. If the reimbursement is received by the University in the form of a cheque, the Finance Office will liaise with OPC and credit the funds to the appropriate cost centre or provision.)
    ii. If the reimbursement is received electronically into the UWS bank Account, the Finance Office will liaise

with OPC and raise a Journal to debit the bank account and credit the appropriate cost centre or provision.

(18) Following completion of the reimbursement process, the employee's leave records will be amended with a credit of leave equal to the compensated leave amount and type. The OPC is responsible for amendments to leave records.

Section 5 - Guidelines

(19) Nil.

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