

# Long Service Leave Procedures

## Section 1 - Preamble

(1) These procedures apply where employment is governed by the University's current [Enterprise Agreement](#). The provisions under other industrial instruments may differ.

(2) Where any inconsistencies exist between the LSL provisions in the Enterprise Agreement and the provisions of the relevant state LSL Acts, the provisions of the Enterprise Agreement prevail.

## Section 2 - Approval Authority

(3) The Head of Work Unit has the authority to approve applications for long service leave, subject to the availability of entitlement, within the provisions of the Enterprise Agreement or appropriate industrial instrument, University Policies and Procedures.

(4) The Director, Human Resources has the authority to approve:

- a. prior service for the purpose of establishing a long service leave accrual; and
- b. the cashing out of long service leave.

## Section 3 - Eligibility and Conditions

### Eligibility

(5) Employees (other than casual employees whose eligibility is established by the relevant State LSL Acts associated state Acts including the [LSL Act 1955 \(NSW\)](#), the [Industrial Relations Act 1999 \(Qld\)](#), and the [LSL Act 1987 \(SA\)](#)) will be eligible for LSL as follows:

- a. after ten years' service to 65 working days leave on full ordinary rate of pay or 130 working days on half the ordinary rate of pay.
- b. after 15 years' service to 97.5 working days leave on full ordinary rate of pay or 195 working days leave on half the ordinary rate of pay.
- c. for service between ten years and 15 years leave will accrue proportionately on the basis of 6.5 working days for each completed year of service and a proportion thereof for period of service of less than one year.
- d. for service in excess of 15 years, leave will accrue at a rate of 10.869 working days for each completed year of service and a proportion thereof for any period of service of less than one year.

(6) Employees with part-time and casual service will accrue LSL on a pro-rata basis.

### Conditions

## **Recognition of prior service**

(7) If an employee commenced employment with the University on or after 1 January 1974, their LSL entitlement will be calculated so as to include prior continuous service with any recognised Australian University, provided that:

- a. there is not more than two months break between the cessation of employment with a releasing university and the commencement of employment with the University;
- b. any period of LSL actually taken while employed by a previous university employer will not be recognised.

(8) For any period which the employee has been paid the money value on termination by a previous University employer, such prior service will not accrue a LSL entitlement, but will be included as qualifying service for determining when the staff member is eligible to take LSL and at what rate the long service leave will accrue.

(9) If an employee has been paid the monetary value of accrued LSL by their previous Australian University employer, they will not accrue any entitlement to LSL for this period of service. However, the service will be taken into account as qualifying service when determining the rate of LSL accrual.

(10) The only prior continuous service with other Australian universities recognised by the University will be that which has been recognised by the releasing institution. Prior service with organisations other than Australian universities will not be recognised even if it has been recognised by the releasing institution.

(11) Where an employee has previous continuous Australian university service and their previous institution transfers the monetary equivalent of their accrued LSL to SCU, both the previous service and accrued LSL entitlement will be recognised when assessing LSL entitlements with the University.

(12) Broken periods of service with the University will be recognised provided breaks between employment periods do not exceed two months.

(13) Recognition of previous service other than as provided for in these provisions will be a matter for the Vice Chancellor to determine.

(14) Unless agreed otherwise with the relevant Executive Member, professional employees will be required to serve at least 12 months with the University and academic employees will be required to serve at least three years with the University before being permitted to take accrued long service.

## **Accrual of LSL whilst on other forms of leave**

(15) LSL entitlement accrues during all forms of paid leave.

(16) Periods of leave without pay (LWOP) are not to be counted as service where the total period of paid service is less than ten years. Where an employee has completed ten or more years paid service, periods of LWOP commencing after this time will count as service except when a continuous period of LWOP exceeds six months.

## **Sick leave during LSL**

(17) An employee who becomes ill while on LSL may apply for sick leave for the period of the illness and request that their LSL be re-credited for the period involved. The period of their illness whilst on LSL must be for a period of one week or more and the employee must provide a satisfactory medical certificate covering the complete period as soon as possible.

(18) These provisions will not be extended to staff on LSL immediately prior to retirement, resignation or termination of employment.

## **Minimum periods of LSL**

(19) Generally, the minimum grant of LSL will be two weeks. Consideration will be given, however, to periods of LSL of less than two weeks where compassionate or compelling circumstances exist and other forms of paid leave are not available.

## **The time of taking LSL**

(20) Employees are encouraged to take LSL when it falls due. Providing they are eligible for LSL, they are entitled to take LSL at a time of their choosing. An employee intending to take LSL is required to provide at least three months written notice of such leave.

## **Direction to take LSL**

(21) Where an employee has accumulated a LSL entitlement in excess of 85 working days, the Director, Human Resources may direct the employee to take a proportion of LSL, subject to the following:

- a. if the employee has accumulated a LSL entitlement of between 85 and 110 working days, the employee may be given written notice to take between 20 and 40 working days LSL;
- b. if the employee has accumulated a LSL entitlement in excess of 110 working days, the employee may be given written notice to take between 25% and 50% of their entitlement to LSL; and
- c. the amount of leave and the time it is to be taken are to be agreed between the employee and Head of Work Unit.

(22) If agreement cannot be reached on the time of taking LSL, the Director, Human Resources will give the employee written notice of at least 12 months of the date on which the leave must commence.

(23) The employee will not be directed to take LSL:

- a. within the first three years of their employment with the University;
- b. within two years of their intended date of retirement; or
- c. between Christmas and New Year.

(24) Where an employee has taken leave as required in clauses 23 and 24, the University will not require the employee to take a further period of LSL for two years after the end of that period of leave.

## **Public holidays**

(25) LSL is not deducted for public holidays that fall during a period of LSL. Payment for the public holiday will be at the same rate as the LSL (ie a public holiday which falls in a period of LSL at half pay will also be paid at half pay).

## **Rates of payment for LSL**

(26) Employees can elect to take LSL at either full pay or half pay. Payment is assessed at the employee's ordinary rate of pay at the time of taking the leave.

(27) Relieving allowance and additional responsibilities allowance will continue to be paid during periods of LSL if the employee is in the higher position for a total continuous period of six months or more. Relieving allowance will not be paid when the total continuous period in the higher position is less than six months. In such cases, should the period in the higher position subsequently be extended beyond six months, the allowance will only be paid during periods of LSL taken after an extension beyond six months has been approved and six months in the higher position has been served. Both relieving allowance and additional responsibility allowance will be paid at the same rate as the approved LSL, for example LSL at half pay would result in payment of 50% relieving allowance or additional responsibilities

allowance.

(28) First aid allowance will be paid during periods of LSL.

### **Payment-in-advance**

(29) Employees are eligible to receive payment-in-advance for salary that falls due during a period of LSL. Payment-in-advance can be requested for pay periods that fall due during the period of LSL and will be paid on the payday prior to the commencement of leave. Employees should request payment-in-advance on their application for LSL.

### **Cashing out of LSL**

(30) An employee who has accumulated a LSL entitlement in excess of 65 working days may apply to the Director, Human Resources to convert up to 50% of their entitlement to a cash payment. Normally, the minimum LSL entitlement that can be used to obtain a cash payment will be equivalent to two weeks ' salary.

(31) Employees electing to convert part of their LSL entitlement to a cash payment should seek detailed financial advice before requesting payment.

(32) Payment will be based on working days and will be paid at the rate of the employee's substantive salary at the date of payment. However, where employees have been receiving salary allowances (excluding overtime, shift penalties and allowances such as first aid, and annualised allowances in lieu of shift penalties) for 12 months or more immediately prior to payment, the salary allowance will be included to calculate the rate of payment.

(33) A ['Cash Payment of Long Service Leave Application'](#) should be completed by the employee and forwarded to the Director, Human Resources for consideration. If the application is approved, payment will be arranged on the next available payday after the approval has been given.

### **LSL entitlement on cessation**

(34) Upon termination of an employee, the University will either:

- a. pay out any LSL entitlements owing at termination; or
- b. if the staff member is transferring to another Australian University within two months of ceasing with Southern Cross University, pay the equivalent of any accrued LSL directly to the receiving University, provided that the receiving university agrees and will recognise the accrued LSL.

(35) Where an employee has completed at least five years continuous service, but less than ten years continuous service, they will be entitled to a proportionate amount of LSL on the basis of 4.3 working days for each year of service where their services are terminated by:

- a. the University for any reason other than for serious and willful misconduct; or
- b. the employee on account of medically substantiated illness, incapacity, or substantiated domestic or other pressing necessity; or
- c. the death of the employee.

(36) If an employee has an entitlement to LSL when they leave the employ of the University, they will be entitled to receive the monetary value of the leave calculated at the ordinary rate of pay that the employee was receiving immediately prior to the cessation of employment.

(37) In the event of the death of an employee, the monetary value of all LSL for which the employee was entitled at the time of death will be paid to the employee's dependant (as defined by the [Australian Taxation Office](#)) or to the employee's legal personal representative.

(38) Relieving allowance and additional responsibilities allowance will be included in the calculation of the monetary value of leave on cessation of employment if the employee has been paid the allowance for a total continuous period of twelve months or more immediately prior to cessation of employment.

## Section 4 - Application and Approval Process

(39) The employee should initially discuss any request for LSL with their supervisor. A [leave application](#) is to be completed at least three months prior to the absence indicating whether the leave is to be at full pay or half pay and whether payment-in-advance is required (MyHR cannot be used to apply for LSL).

(40) Prior to approving LSL, the Head of Work Unit should confirm that the employee has LSL credits available. Confirmation of the availability of leave can be obtained from HR Services.

(41) As soon as the application is approved it is sent to HR Services for the details to be recorded in Aurion (the University's Human Resource Information System).

(42) When the leave is actually taken, professional employees should ensure their attendance records reflect the period of their absence.

(43) If LSL is being taken at half pay, the employee should contact their superannuation fund to discuss the implications on their superannuation contributions.

## Section 5 - Links and Forms

[SCU Enterprise Agreement](#)

[Leave application](#)

[Cash payment of long service leave application](#)

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	2nd June 2015
<b>Review Date</b>	2nd February 2018
<b>Approval Authority</b>	Vice Chancellor
<b>Approval Date</b>	15th April 2015
<b>Expiry Date</b>	27th June 2016
<b>Head of Work Unit</b>	Kath Drew Director, Human Resources
<b>Enquiries Contact</b>	HR Services