

# 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 prior service for the purpose of establishing a long service leave accrual

## Section 3 - Eligibility and Conditions

### Eligibility

(5) Employees (other than casual employees whose eligibility is established by the relevant State LSL Acts) will be eligible for LSL as follows:

- a. after 10 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 10 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 eligible 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) 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.

(9) 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.

(10) 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.

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

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

(13) Unless agreed otherwise with the relevant delegated officer, probationary employees will be required to serve at least three years with the University before being permitted to take accrued long service leave. Non-probationary employees will be required to serve at least two years with the University before being permitted to take accrued long service leave.

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

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

(15) Periods of leave without pay (LWOP) are not to be counted as service where the total period of paid service is less than 10 years. Where an employee has completed 10 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.

#### **Personal leave during LSL**

(16) An employee who becomes ill while on LSL may apply for personal 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 one week or more and the employee must provide a satisfactory medical certificate covering the complete period within one week of their return from long service leave.

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

#### **Minimum periods of LSL**

(18) 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**

(19) Employees are encouraged to take their entitlement to LSL.

(20) Employees who are eligible for LSL are entitled to take LSL at a time they specify provided that at least six months' notice is given by the employee. Where less than six months' notice is given, long service leave may be taken subject to the relevant approval and work unit requirements.

(21) Where an employee has an annual leave entitlement greater than four weeks, long service leave cannot be taken until this balance is reduced to four weeks or less.

### **Direction to take LSL**

(22) Where a full-time employee has accumulated a long service leave entitlement of 85 working days or more, the University may direct the employee to take a proportion of long service leave. Part-time employees who have accumulated the equivalent pro-rata entitlement of 85 working days or more may also be directed to take a proportion of long service leave.

(23) The University may give employees written notice to take 20 working days long service leave (pro-rated for part-time employees).

(24) LSL will commence within six months of the notice of direction to take leave at a time and amount agreed between the employee and Head of Work Unit. Heads of Work Units will make every effort to enable the employee to comply with the direction to take LSL. The appropriate application for LSL must be lodged with HR Services within one month of the direction.

(25) If agreement cannot be reached on the time of taking long service leave, the University will give the employee at least six months written notice of the date on which the leave must commence.

(26) An employee will not be directed to take LSL:

- a. within the first three years of their employment with the University;
- b. within 12 months of their intended date of retirement; or
- c. between Christmas and New Year.

(27) Where an employee has taken leave as required in clauses 22 - 25, 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.

(28) If an employee has firm plans to take accrued long service leave at a particular future point in time, but no longer than within 24 months from the notice of direction to take leave and makes a compelling case for a deferral of the requirements of this clause for this reason, the University may approve the deferral for a maximum period of 24 months subject to the LSL leave application being submitted.

### **Public holidays**

(29) 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**

(30) 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.

(31) 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.

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

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

(33) Payment-in-advance can be requested for pay periods that fall due during the period of LSL. It will be paid on the payday prior to the commencement of leave. Employees should request payment-in-advance on their application for LSL.

### **LSL entitlement on cessation**

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

- a. pay out any LSL entitlements owing at termination; or
- b. if the employee 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 10 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 dependent (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 12 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 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**

(44) Enterprise Agreement

(45) [Leave application](#)

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	20th April 2020
<b>Review Date</b>	30th September 2020
<b>Approval Authority</b>	Head, Governance Services
<b>Approval Date</b>	20th April 2020
<b>Expiry Date</b>	13th September 2023
<b>Responsible Executive</b>	Kim Franks Vice President (People and Culture)
<b>Head of Work Unit</b>	Kath Drew Director, Human Resources
<b>Enquiries Contact</b>	HR Services