Policy Redesign Project

All policies and procedures are being reviewed as part of this project. This document is pending review, but remains in effect until the review is carried out.

Long Service Leave

Establishment: Council, 1989

Last Amended: 7 August 2014 - Enterprise Agreement 2014 to 2017

Nature of Amendment: Amendment to enable cash out of excess long service leave from seven years rather than ten years

Date Last Reviewed:

Responsible Officer: Director, Human Resources

ENTERPRISE AGREEMENT 2014–2017, CLAUSE A20 LONG SERVICE LEAVE

A20.1 [Entitlement] The University will provide for long service leave in accordance with this clause for all members of staff. These provisions operate to the exclusion of and prevail completely over the Long Service Leave Act, 1987 (SA).

A20.1.1 Staff members accrue long service leave in hours at the rate of 47.78 hours (equivalent to 6.5 working days) for each completed year of service, pro-rata for part-time staff.

A20.1.2 Staff employed by SACAE at the time of the merger with the University (1 January 1991) will accrue leave at the rate specified in A20.1.1 but increasing to 79.38 hours (equivalent to 10.8 working days) per year, pro-rata for part-time staff, after 15 years of service.

A20.2 [Continuity of service] For the purposes of this clause only, continuity of service will not be affected by breaks of service as outlined in the long service leave policy and procedures.

A20.3 [Eligibility to take long service leave] A staff member will be eligible to take an initial period of long service leave upon accruing an entitlement to 334.43 hours (equivalent to 45.5 working days), pro-rata for part-time staff, which is normally equivalent to 7 years' continuous paid service, and to take subsequent periods of long service leave when that staff member has accumulated an entitlement to 36.75 hours (equivalent to 5 working days), pro-rata for part-time staff.

A20.4 [Minimum period of service with University] Notwithstanding A20.3, a staff member will be required to serve at least three years with the University before being permitted to take accrued long service leave or to receive payment in lieu of long service leave accrued, unless the University determines otherwise.
A20.5 [Recognising prior service] Prior continuous paid service, where recognised by the releasing employer as carrying entitlement to long service leave, will normally be recognised in accordance with A20.6 to A20.11, subject to there being no break of 8 weeks or more between service at Flinders University and the staff member’s relevant prior appointment. Recognition of prior service does not apply to casual staff.

A20.6 [Australian universities] The University will recognise prior continuous paid service within other Australian universities towards long service leave entitlement.

A20.7 [Other higher education institutions] The University will recognise prior continuous paid service within Australian higher education institutions other than universities for staff members taking up appointment within the University on or after 1 June 1988.

A20.8 [Other organisations] For staff members taking up appointment within the University on or after 13 December 1991, the University will also recognise all prior continuous paid service within the following organisations:

- South Australian Public Service
- Commonwealth Public Service
- Australian Vice-Chancellor’s Committee, and
- other inter-university bodies, and South Australian Statutory Authorities

Prior service with these organisations will not accrue a long service leave entitlement but will be considered as qualifying service for determining when the staff member is eligible to take long service leave.

A20.9 If a staff member has been paid in lieu of long service leave or has taken long service leave prior to commencing appointment at the University, this period of leave will be deducted from any entitlement due or service recognised.

A20.10 [Fixed-term appointments] Recognition of prior service will not apply to staff members on fixed-term appointments funded from external sources which make no provision for the transfer of long service leave credits from one institution to another.

A20.11 [Application for recognition of prior service] New staff members seeking recognition of prior service with previous employers must do so, in writing, within 6 months of commencing employment at the University.

A20.12 [Payment while on long service leave] Payment for long service leave will be at the staff member’s ordinary rate of pay.

A20.13 In advance of any long service leave being taken, all staff must, in a manner decided by the University, apply for and obtain approval from their supervisor for the taking of any period of long service leave. A staff member who has accumulated excess leave may be directed by their supervisor to take leave within a reasonable time period, as provided for in clause A20.16 [Management of excess long service leave].

A20.14 [Half-pay] A staff member may apply to take long service leave on half pay.

A20.15 [Minimum period] The minimum period of long service leave which can be taken is a single day.

A20.16 [Management of excess long service leave]

A20.16.1 [Plan for taking long service leave] Where a staff member’s entitlement exceeds 65 days (477.75 hours) she/he will be required to provide a plan for taking long service leave, to be agreed with the University.
A20.16.2 [Direction to take long service leave] Where a staff member has reached an accumulated entitlement exceeding 80 working days and has not complied with A20.16.1, the University may direct the staff member to take long service leave, within a reasonable time period, so as to reduce the accumulated entitlement to 65 working days or below (477.75 hours), pro-rata for part-time staff.

A20.17 [Conversion of long service leave to sick leave] Where a staff member becomes ill while on long service leave for a period of not less than 3 consecutive working days, she/he will, subject to the availability of sick leave and the production of a medical certificate for the period of illness, be entitled to be placed on sick leave and no deduction will be made from long service credits for the days in question. The ability to convert long service leave to sick leave is not available where the absence immediately precedes retirement.

A20.18 [Employment during long service leave] A member of staff will not undertake any employment for hire or reward during a period of long service leave.

A20.19 [Payment in lieu of long service leave] Payment in lieu of long service leave accrued but not taken will be made where:

A20.19.1 a staff member has become eligible to take long service leave and resigns, or the staff member’s employment terminates except for any reason other than serious misconduct; or

A20.19.2 where not less than 5 years of service carrying entitlement to long service leave has been completed and the staff member dies, or is considered by the relevant superannuation body to be totally and permanently incapacitated, or is declared redundant under the relevant redundancy provisions of this Agreement.

A20.20 [Cash-out of excess long service leave] Cash out of long service leave entitlement in excess of 334.43 hours (equivalent to 45.5 working days), pro-rata for part-time staff, may be taken subject to supervisor approval and to:

A20.20.1 a minimum block of '5 working days' long service leave being taken in conjunction with the cash-out;

A20.20.2 a plan being submitted and approved to reduce entitlement to below 334.43 hours (45.5 working days), pro-rata for part-time staff. For academic staff this may include being required to attach a period of long service leave to an Outside Studies or Overseas Conference absence;

A20.20.3 a maximum cash out of 4 weeks’ long service leave at any one time.

1. Purpose

Long service leave is leave with pay granted to staff members after an extended period of continuous service with the University. Its purpose is to provide a period of refreshment to enable the staff member to return to work ready for effective future performance of responsibilities.

2. Qualifying service

The following forms of service will accrue an entitlement to long service leave.

2.1 continuous service in the employment of the University including periods of paid leave;

2.2 any period of service as a member of the Armed Forces of the Commonwealth (other than service as a member of the permanent forces) while holding an appointment at the University;

2.3 any period of leave without pay approved on academic or professional grounds, provided that the staff member returns to the University for an equivalent period;
2.4 any period of leave without pay approved to undertake relevant full-time study up to 3 years provided that the staff member returns to the University for an equivalent period;

2.5 any period of leave without pay on other than academic or professional grounds which in exceptional circumstances, the Director, Human Resources, may at her/his discretion approve as service carrying entitlement.

3. Continuity of service

For the purposes of 2.1, continuity of service will not be affected by:

3.1 a break in service caused by the University where an employee is re-employed under an order of a court or commission, unless the court or commission orders otherwise;

3.2 a break in service caused by the University in an attempt to avoid an obligation or liability imposed on the University by an act, award, agreement or scheme relating to long service leave;

3.3 absence from work in accordance with the contract of service;

3.4 absence from work because of illness, injury, long service leave or annual leave;

3.5 absence from work because of any other kind of approved leave;

3.6 the standing down of an employee by the University because of slackness in trade where she/he is subsequently re-employed by the University;

3.7 a break in service as a direct or indirect result of an industrial dispute where the employee returns to work in accordance with the terms of settlement of the dispute or is re-employed by the University when the dispute is settled; and

3.8 any other break in service caused by the University where the worker returns to work or is re-employed by the University within two months.

4. Except as otherwise provided by clause A20.19, the accrued entitlement of a staff member to long service leave will lapse upon the termination of service by death or otherwise unless the staff member has become eligible under clause A20.3 to take an initial period of long service leave. In the event of the death of a staff member, any payment in lieu of long service leave will be paid to the authorised representative of the staff member.

5. Payment for long service leave taken

5.1 Rate of pay

The ordinary rate of pay as provided for in A20.12 is defined as a staff member’s fortnightly rate of pay as at the date of commencement of a period of long service leave, excluding overtime, shift premiums and penalty rates.

5.2 Casual service

If the staff member was employed on a casual basis during the three year period immediately preceding the date of commencement of long service leave, her/his ordinary rate of pay is calculated by averaging the number of hours worked per fortnight in the preceding 3 year period and multiplying the result by her/his hourly rate of pay as at the leave commencement date, excluding overtime, shift premiums and penalty rates.

5.3 Variation in salary
Any normal increment or any variation in salary scale occurring during a period of long service leave will be included in such payment.

6. Time and manner of taking long service leave

The timing of taking long service leave will be subject to the needs of the University.

7. Long service leave on half-pay

7.1 Eligibility

A staff member may apply to take long service leave on half-pay. Although normally applying only to full-time staff, applications will be considered from part-time staff.

7.2 Approval

Approval to take extended leave on half-pay will only be given where it can be demonstrated that such absence will not be detrimental to the area concerned.

7.3 Entitlements

All entitlements and superannuation will accrue at the appropriate pro-rata rate during a period of leave on half-pay.

8. How to count long service leave

Excluding weekends and public holidays, every day occurring from the first day of long service leave will be counted as a day of long service leave.

9. Prolonged illness and use of long service leave

Where prolonged illness results in the exhaustion of other paid leave entitlements, and a staff member has not less than 32.5 working days' entitlement to long service leave (normally equivalent to 5 years' continuous paid service), the Director, Human Resources may allow long service leave to be used for this purpose.

Related Links

Personal / Carer's and Compassionate Leave

Annual Recreation Leave

Leave Without Pay

Long Service Leave - Cash Payment Form

Long Service Leave - Request for Recognition of Prior Service