

# EXTRACT

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## 39. Long service leave

### Ongoing and fixed-term Employees

- 39.1 A full-time Employee accrues long service leave at the rate of 1.3 weeks for each completed year of Continuous Service with the University and will be entitled to access the long service leave entitlement, on a pro rata basis, after seven completed years of Continuous Service with the University.
- 39.2 An Employee with seven or more completed years of Continuous Service is, on termination of their employment, entitled to payment for the balance of their accrued long service leave as at the date of termination.
- 39.3 Where an Employee with four or more completed years of Continuous Service dies or whose service ceases on account of:
- a) retirement; or
  - b) ill-health; or
  - c) redundancy;
- the University will pay to the Employee, or the Employee's estate or representative, a sum equal to 1.3 weeks leave in respect of each completed year of Continuous Service calculated to the day of death or day or cessation.
- 39.4 An Employee granted long service leave will be paid:
- a) where the Employee's ordinary hours of work have been constant, at the Employee's Base Rate of Pay; or
  - b) where the Employee's ordinary hours of work have varied, at the Base Rate of Pay for the Employee's average time fraction calculated over the total period of service.
- 39.5 An Employee may request and the University may agree for long service leave to be taken at half pay for double the period.
- 39.6 Where a public holiday occurs during a period of long service leave the day will be taken as a public holiday and will not be deducted from the long service leave entitlement of the Employee.
- 39.7 Long service leave is to be taken at a mutually agreeable time having regard to the operational requirements of the University provided that a minimum of 6 months' notice of taking leave must be provided unless otherwise agreed between the University and the Employee. Subject to the required notice being provided, leave will not be unreasonably refused.
- 39.8 Where an Employee has accrued in excess of 20 weeks long service leave the University may initiate the following steps to reduce the Employee's long service leave balance to an acceptable level:
- a) The University and Employee, through discussion, may agree that the Employee will take leave which would reduce the balance to an agreed level.
  - b) In the absence of an agreement, the University may direct the Employee to take leave at a particular time that would reduce the long service leave credit to no less than 13 weeks at the time the leave period has concluded. The University must give the Employee at least 6 months' written notice of the direction to take leave.
- 39.9 An Employee must not work for hire or reward whilst they are taking long service leave.
- 39.10 Subject to the Employee making the claim referred to below, an Employee's prior Continuous Service at any Victorian TAFE Institute, Victorian University or Victorian Public State Secondary or Primary School (or any other previous University as may be agreed between the Employee and the University at the time of the Employee's

appointment) will count towards their Continuous Service for the purpose of determining their entitlement to long service leave under this clause, except for:

- a) any period of service for which payment in lieu of long service leave has been made by a previous University or for which an Employee has an entitlement for payment in lieu by a previous University; and
- b) any period of service that preceded a break of more than 12 months in the Employee's Continuous Employment.

- 39.11 An Employee must make any claim for recognition of prior service within six months of the date of appointment. The University must, as soon as possible after the date of the Employee's appointment, but no later than 12 months from that date, notify the Employee in writing as to the amount of prior service recognised towards the Employee's Continuous Service for long service leave purposes.
- 39.12 For the avoidance of doubt, any service recognised prior to the commencement of this clause is not disturbed by this clause.

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