

EXTRACT

51. LONG-SERVICE LEAVE

51.1 An employee shall be entitled to long-service leave of thirteen weeks after ten years' service and at the rate of 1.3 weeks for every additional year of service thereafter. The calculation of the leave entitlement for casual employees will have regard to the provisions of sub-clause 51.12.

Such leave shall be on full pay, provided that the employee may elect to convert all or part of the period of entitlements to double the period by taking leave on half pay.

51.2 An employee granted long-service leave shall be paid the following rate of pay:

51.2.1 where the employee's service has been constant on a full-time or part-time basis, the leave shall be paid at the employee's ordinary rate of pay;

51.2.2 where the employee's service has been other than constant, the entitlement shall be calculated on the basis of the employee's mean average fraction calculated over the total period of recognised service.

Example 1: An employee works 5 years at half-time, then 5 years at full-time and becomes eligible for 13 weeks of long-service leave. That employee would be entitled to elect between the following two arrangements:

Arrangement 1:

- a) take 13 weeks off; and
- b) be paid at 75% of the employee's normal full-time salary during that leave.

Arrangement 2:

- a) take 9.75 weeks off (75% of 13 weeks); and
- b) be paid at 100% of the employee's normal full-time salary during that leave.

In either case, the balance of leave outstanding would be zero.

Example 2: An employee works 5 years at full-time, then 5 years at half-time and becomes eligible for 13 weeks of long-service leave. That employee would be entitled to:

- a) take 13 weeks off; and
- b) be paid at 75% of the normal full-time salary during that leave.

The balance of leave outstanding would be zero.

51.3 For the purposes of determining an employee's entitlement to long-service leave, the following shall not count as service:

51.3.1 any period of service after the date from which a pension is payable under the provisions of the Superannuation Act or of such other pension schemes as may apply where the employee retires on the grounds of age or ill-health;

51.3.2 any period of service for which payment in lieu of long-service leave has been made by a previous employer, or for which an employee has an entitlement to payment in lieu by a previous employer, provided that any such period of service shall be included for the purpose of satisfying the requirement in sub-clause 51.1 that a minimum of ten years be served before long service leave may be taken; or

51.3.3 any break in service with previous recognised employers as specified in Clause 57 that exceeds six months.

51.4 An employee (other than a casual employee) shall be entitled to have service with previous employers as specified in Clause 57 recognised for the purpose of determining the long-service leave entitlement of the employee provided that:

51.4.1 an employee shall make any claim for recognition of prior service within six months of the date of appointment. The University shall, as soon as possible after the date of the employee's appointment, but no later than twelve months from that date, notify the employee in writing as to the amount of prior service recognised for the purposes of long-service leave. The University shall provide details of the process for the recognition of prior service to the employee in the letter of appointment;

51.4.2 the amount of service with previous employers recognised for long-service leave purposes shall not exceed ten years.

51.5 Where service with a previous recognised employer as specified in Clause 57 is recognised for long-service leave credit, the University may require that a period of service with the University of not greater than three years be completed before an employee is eligible to take long-service leave.

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- 51.6** Subject to sub-clause 51.7, an employee with ten or more years of service shall be entitled to take long-service leave at a time of the employee's choosing provided that at least six months written notice is given by the employee of the intention to take such leave or, in the absence of such notice, the relevant delegated supervisor is satisfied that alternative arrangements can be made to cover the workload of the employee.

Notwithstanding the above, where an employee applies to take long-service leave during a period which partially or completely overlaps with a period of long service leave already granted to another employee within the same work area, approval of such leave shall be subject to the operational requirements of the work area. However, such leave shall not be refused unless the relevant delegated supervisor provides written reasons why operational requirements will be adversely affected by the taking of the leave. Provided that a single employee shall not have a second application for long service leave, on different dates, refused for the same reason.

- 51.7** Where an employee has a long-service leave balance of 97.5 days or more, the University may give the employee written notice to take up to three months of such leave, at a time suitable to the University's operational requirements. Provided that:

- 51.7.1** the University shall give the employee written notice at least twelve months before the date on which the leave must commence;
- 51.7.2** in the first instance a bona fide effort will be made to reach an agreement with the employee as to mutually suitable dates for the taking of that leave;
- 51.7.3** the employee shall not be required to take long service within 24 months of the intended date of the employee's retirement;
- 51.7.4** the minimum period of leave that the University can require an employee to take shall be thirty days;
- 51.7.5** in any case where an employee has taken long-service leave pursuant to this sub-clause, the University shall not require the employee to take a further period of leave for two years after the end of that period of leave.

- 51.8** Where a public holiday occurs during the period that an employee is absent on long-service leave and such holiday is observed by the University, no deduction shall be made for that day from the long-service leave credits of the employee.

- 51.9** An employee or, where applicable, the employee's legal representative, shall be entitled to payment in lieu of long-service leave accrued but not taken as at the date of termination of employment where:

- 51.9.1** the employment of the employee terminates for any reason after 7 years or more of service, including service recognised with another employer. This applies only when employment ceases; employees still working must have 10 years continuous service recognised prior to taking any long-service leave. For example, an employee who resigns after 7 years' service will be entitled to receive payment of 9.1 weeks or 45.5 days which is pro-rata to the full entitlement of 13 weeks for ten years continuous service;
- 51.9.2** after four years' service with the University, the employee retires on the grounds of ill health, age, or the employee dies;
- 51.9.3** in the case of retrenchment, payment in lieu shall be for all long-service leave accrued for each completed year of service plus a *pro rata* amount for the current year of service calculated on a daily basis.

- 51.10** Where payment is made in lieu of long-service leave accrued but not taken, the amount of such pay shall be computed on a daily basis equivalent to 1.3 weeks per annum.

- 51.11** An employee cannot elect to cash out any of the employee's long-service leave entitlement, except in the circumstances described in sub-clause 51.9.

51.12 Casual Employees

- 51.12.1** A casual employee who has had continuous employment with Federation University Australia or its predecessors of 10 years or more service shall be entitled to long-service leave, calculated on their average service fraction, over the full 10 years of continuous service.
- 51.12.2** Prior employment with other employers does not count towards any long-service leave entitlement.
- 51.12.3** For long service leave purposes casual employment with the University is regarded as continuous if:
- i) there is no more than an absence of three months between each instance of employment in the period; or

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- ii) there is more than an absence of three months between two particular instances of employment but the length of the absence is due to the terms of the engagement of the employee by the University;
- iii) for the purposes of working out when a casual employee becomes entitled to long service leave only two-thirds of the employee's continuous employment with the University completed before 1 January 2006 counts as continuous service.

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