

EXTRACT

26. LONG SERVICE LEAVE

- 26.1** 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. Such leave shall be on full pay provided that the employee may elect to convert all or part of the period of entitlement to double the period by taking leave on half pay.
- 26.2** Where on the termination of employment 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.
- 26.3** For the purpose of determining an employee's entitlement to long service leave, the following shall not count as service:
- 26.3.1** 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 for the purpose of satisfying the time requirement in 26.1, such service shall be recognised.
- 26.3.2** Any period of service with an authority or institution specified in 26.4 which preceded a break of more than twelve months in the employee's continuous employment.

[26.4 varied by [PR969417](#) ppc 07Mar06]

- 26.4** Subject to 26.3, for the purpose of determining an employee's entitlement to long service leave employment at any of the following authorities or institutions shall count as service:
- another Victorian TAFE Institute or University; or
 - a Victorian state primary school or state secondary college; or
 - the Public Service of Victoria; or
 - a public entity as defined by section 5 of the Public Administration Act 2004 (Vic.) or its successor.
 - any other previous employer as may be agreed between the employee and the employer at the time of the employee's appointment.
- 26.5** An employee shall be entitled to have service with previous employers of the employee as provided in 26.4 recognised for the purpose of determining the long service entitlement of the employee provided that:
- 26.5.1** An employee shall make any claim for recognition of prior service within six months of the date of appointment. The employer 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 long service leave purposes.
- 26.5.2** In the case of any employee employed on or after 30 August 1994 the amount of service with previous employers recognised for long service leave purposes shall not exceed ten years.
- 26.6** Where a public holiday occurs during the period that an employee is absent on long service leave no deduction shall be made for that day from the long service leave credits of the employee.
- 26.7** An employee, or where applicable his or her 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:
- 26.7.1** the employment of the employee terminates after ten years or more service;
- 26.7.2** after four years service with the employer the employee is retrenched, retires on the grounds of age or ill health or the employee dies.
- 26.8** An employee granted long service leave shall be paid the following rate of pay:
- 26.8.1** 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;

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- 26.8.2** where the employee's service has been other than constant, the leave shall be paid at a rate of pay based on the employee's mean average fraction calculated over the total period of service;
- 26.8.3** where the employee's service consists of both full-time and part-time service, the leave shall be paid at the rate proportional to the amount of such full-time and part-time service.
- 26.9** Long service leave shall be taken at a mutually agreeable time having regard to the operation of the employer, provided that a request for leave shall not be unreasonably refused.

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