



4.7 LONG SERVICE LEAVE

INTRODUCTION

Long service leave enables staff to take longer periods of paid leave from work after they have completed 10 years service at UTS. Such leave provides staff with the opportunity to refresh themselves by proactively managing their well-being and balancing their work and life outside work. For this reason, staff are encouraged to take their long service.

The long service leave entitlements for staff are contained in the relevant agreements as follows:

clause 23 of the Enterprise Agreement (Academic Staff) 2004

clause 21 of the Certified Agreement (Senior Staff Group) 2004

clause 27 of the Enterprise Agreement (Support Staff) 2004.

Agreement provisions appear as shaded areas in these guidelines. These guidelines explain your entitlements and provide answers to frequently asked questions.

ELIGIBILITY AND ENTITLEMENT

All full-time and part-time staff are entitled to long service leave. Full-time staff are entitled to 44 working days long service leave on full pay or 88 working days on half pay on the completion of ten years' service.

Part-time staff are entitled to pro-rata accrual of the full-time rate.

After the initial 10 years' service, long service leave accrues at the rate of eleven days for each completed year of service and pro-rata for less than a completed year of service.

If you are a part-year support staff member who works less than the ordinary weeks per year, your non-working periods count as service for the purpose of determining eligibility for long service leave, ie the initial ten year service requirement. However, your long service leave entitlements are calculated and paid on a pro-rata basis based on the actual time you have worked.

EFFECT OF LEAVE WITHOUT PAY

Periods of leave without pay (except for sick leave without pay for academic and support staff under certain conditions) are not counted as service for the purpose of long service leave.

If you are an academic or support staff member, aggregated sick leave without pay of up to six months counts as service and any aggregated sick leave over six months does not for determining whether you have completed 10 years service. Once it has been determined that you have completed ten years service any single period of sick leave without pay not exceeding six months will count as service. For members of the Senior Staff Group, sick leave without pay is treated the same as other forms of leave without pay and therefore does not count as service for the purpose of long service leave.

ARE CASUAL STAFF ENTITLED TO LONG SERVICE LEAVE?

Casual staff are entitled to pro-rata accrual of the full-time rate of long service leave for continuous service from 9 May 1985. Pro-rata accrual will be determined on the basis of the hours worked by the casual staff member. Breaks in service of two months or more will break continuity of service. Casual staff who are eligible for long service leave will be entitled to take their leave on the average rate of pay earned by the casual in the five years preceding the date on which long service leave is to commence.

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Please note: there is no provision for casual employment in the Senior Staff Agreement

PRO-RATA LONG SERVICE LEAVE

Staff who have completed between five and ten years of service are entitled to payment for long service leave on a pro-rata basis in the following circumstances:

- (a) upon termination of employment for any reason other than misconduct (eg medical retirement or redundancy)
- (b) upon resignation on account of illness, incapacity or domestic or other pressing necessity; or
- (c) upon retirement at or after age sixty or at such retirement age in accordance with the provisions of the relevant superannuation scheme.

In the case of the death of a staff member any long service leave entitlement, including pro-rata entitlements, will be paid to the staff member's estate.

In addition to (a)-(c) above, members of the Senior Staff Group are entitled to payment for long service leave on a pro rata basis "upon expiry of one or more continuous fixed-term appointments."

Examples of situations likely to be considered as meeting the requirements for "domestic or other pressing necessity" include your partner being transferred interstate or overseas for a prolonged period or the necessity to care long-term for a sick child or other relative. Requests for the payment of pro rata long service leave should include appropriate supporting documentation, such as medical certificates.

RECOGNITION OF PRIOR SERVICE WITH ANOTHER INSTITUTION

Service for full-time or part-time staff commencing on or after 26 January 1988 (date of establishment of UTS) means full-time or part-time service (whether continuous or broken) as a staff member at UTS and/or continuous full-time or part-time service with other Australian higher education institutions (includes Universities and CAEs, does not include TAFE).

Recognition of prior service as defined above is not retrospective and only applies to staff commencing with UTS on or after 26 January 1988.

For the purposes of the subclause above, continuous service is deemed to be where the period between ceasing with one employer and commencing with the next is not greater than two months. This intervening period is not counted as service.

Staff who commenced employment at (old) UTS, Kuring-gai CAE and ITATE prior to 30 August 1990 and have had prior service with other organisations recognised for long service leave purposes or who would have been eligible to have prior service recognised under their conditions of employment existing at that time will continue to have that service recognised.

Notwithstanding the above, if a staff member has taken long service leave or is eligible to be paid or has been paid in lieu of long service leave by the releasing institution or any other institution, the staff member will not accrue any entitlement to leave for the period of service with the releasing institution for which leave has been taken, paid for or which there is eligibility for payment, but subject to this sub-clause such a period shall be included as qualifying service for determining when the staff member is next eligible to take long service leave.

WHAT HAPPENS IF I BECOME SICK WHILST ON LONG SERVICE LEAVE?

If you become ill for a period of five or more consecutive working days during long service leave you may claim sick leave (to the extent of sick leave accrued) instead of long service leave for the period of your illness. A medical certificate must be submitted covering the period of the sick leave. All staff are required to promptly complete and submit a leave application.

IS THERE A LIMIT TO THE AMOUNT OF LONG SERVICE LEAVE I CAN ACCRUE?

There is no limit to the long service leave that can be accrued by senior and support staff.

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However, in the case of a member of **academic staff**:

Where a staff member has accumulated in excess of 98 working days (pro-rata for part-time staff) of long service leave, the Deputy Vice-Chancellor may give the staff member written notice to take up to 65 working days (pro-rata for part-time staff) leave at a time convenient to the University.

Under these circumstances, the Deputy Vice-Chancellor will provide written notice at least twelve months prior to the date on which leave will commence. This period of notice may be shortened or waived by mutual agreement.

A staff member will not be required to take long service leave within 24 months of the intended date of retirement.

The minimum period of leave the University can require a staff member to take will be 30 working days (pro-rata for part-time staff).

A staff member will not be required to take a further period of long service leave for two years following the end of that period of leave.

CAN I TAKE THE LEAVE WHENEVER I LIKE?

You are entitled to take any long service leave at a time of your choosing when a minimum of six months notice is given.

For **academic** staff this notice is required to be in writing. However, if this notice is not given the leave will be granted at the discretion of the supervisor.

For **support** staff and the **senior staff** group, if the University gives six months notice to a work unit that long service leave will not be granted in a specified period, staff in that unit are not entitled to take leave in the period.

You are encouraged to take your long service leave during your employment.

The planning and review process provides an opportunity for staff and supervisors to discuss and document any plans for long service leave.

WHAT IS THE MINIMUM AMOUNT OF LONG SERVICE LEAVE I CAN TAKE?

The minimum amount of long service leave that you can take is one day.

IS THERE A LIMIT ON HOW MUCH LONG SERVICE LEAVE I CAN TAKE?

There is no limit on how much accrued long service leave you can take at one time, subject to the needs of your work area and your supervisor's approval.

CAN LONG SERVICE LEAVE BE TAKEN WITH OTHER LEAVE?

Long service leave can be taken in conjunction with other forms of leave including, for example:

- parental leave: for example pre or post natal appointments or in the event of termination of pregnancy, still birth or miscarriage before the commencement of maternity leave
- absences for personal reasons or after exhausting personal and sick leave entitlements for an absence covered by the personal leave provisions of the Agreements
- annual leave.

HOW CAN I FIND OUT HOW MUCH LONG SERVICE LEAVE I HAVE?

Your long service leave entitlement is detailed on your pay slip that can be accessed online. Any queries regarding your balance should be directed to your Payroll Officer in the Financial Services Unit.

HOW DO I APPLY FOR LONG SERVICE LEAVE?

You must fill in a leave form indicating whether you wish to take leave on full- or half-pay. A leave form can be found at <http://www.hru.uts.edu.au/forms/index.html>

The planning and review process provides an opportunity to discuss proposals for leave and reach an agreement with your supervisor on a mutually convenient time to take leave. If not discussed at this time you should give your supervisor as much notice as possible of your intention to take long service leave.

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WHO APPROVES MY LONG SERVICE LEAVE?

Your supervisor can approve or reject your leave in accordance with the relevant agreement and these guidelines. In the event that you and your supervisor cannot agree on a mutually convenient time for you to take the leave, and you have not given six months notice, your supervisor's manager will attempt to resolve the matter. If this is unsuccessful then the provisions relating to general industrial grievances in the relevant support and academic agreements will apply. For Senior Staff, the University's grievance handling policy will apply.

WHERE DO I GO FOR FURTHER ADVICE?

If you have any further queries relating to long service leave you can contact your Payroll Officer in the Financial Service Unit or Client Services Officer in the Human Resources Unit.

You can view the relevant clauses in the enterprise/certified agreements at:

<http://www.hru.uts.edu.au/agreements/academic/academic.html>

<http://www.hru.uts.edu.au/agreements/seniorstaff/senior.html>

<http://www.hru.uts.edu.au/agreements/support/support.html>