4.7 LONG SERVICE LEAVE GUIDELINES

INTRODUCTION

Long service leave enables staff to take longer periods of paid leave from work after they have completed 10 years service recognised by UTS. Such leave provides staff with the opportunity to refresh themselves by taking a sustained break from the workplace and pursuing other interests. Staff are encouraged to take their long service.

The long service provisions of the enterprise agreements are contained in clause 31 of the Support Staff Agreement 2010 clause 20 of the Senior Staff Group Collective Agreement 2007 and clause 27 of the Academic Staff Agreement 2010.

ELIGIBILITY AND ENTITLEMENT

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, part-year and sessional 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.

Part-year and Sessional Staff

For part-year (support or senior staff) or sessional (academic) staff, the period during which you work (ie core weeks) and the period during which you do not work (ie non-core weeks) both count as service for the purpose of determining eligibility for long service leave. However, long service leave entitlements will be calculated pro-rata on the basis of actual time worked.

Casual Staff

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. For casual support staff, breaks in service of two months or more will break continuity of service. For casual academic staff, a break in service of four months or more will break continuity of service (for casual academic staff who ceased employment with UTS prior to 6 October 2010, a break 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.

Effect of Leave Without Pay

Periods of leave without pay, including parental leave without pay but excluding sick leave without pay under certain conditions (refer below), are not counted as service for the purpose of long service leave.

Effect of Sick Leave Without Pay

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 ten years service has been completed, any single period of sick leave without pay not exceeding six months will count as service.

LONG SERVICE LEAVE BALANCE

You can view and project your long service leave balance by logging into Employee Self Service in neo at http://www.neo.uts.edu.au/. Your long service leave balance also appears on your online Payslip.
PROCEDURE FOR TAKING LONG SERVICE LEAVE

Staff are encouraged to take their long service leave during their employment for their well-being and to promote a healthy workplace. Staff are expected to plan their long service leave in advance and must seek approval from their supervisor before taking long service leave. The minimum amount of long service leave that can be taken is one hour.

Planning for long service leave
The workplanning process provides an opportunity to discuss and document proposals for long service leave. You should give your supervisor as much notice as possible of your intention to take long service leave.

You are entitled to take any long service leave at a time of your choosing when a minimum of six months written notice is given. If less than six months notice is given, the leave will be granted at the discretion of your supervisor, having regard to the operational requirements of your work area and any matters raised by you. If your original request cannot be accommodated your supervisor will negotiate an alternate time with you.

Applying for long service leave
It is your responsibility to apply for leave and ensure that you have your supervisor’s approval of your request for leave before taking long service leave.


Long service leave at half pay cannot be applied for on-line through neo. If you wish to take leave at half pay, you must complete an Application for Long Service Leave at Half Pay form which can be found at http://www.hru.uts.edu.au/manual/forms/conditions.html.

Variations to your long service leave must be made by completing an “Application to Cancel or Amend a Leave Request” available from http://www.hru.uts.edu.au/manual/forms/conditions.html and sending it to Payroll.

Taking leave without submitting an application could be deemed unacceptable and unethical behaviour and the University may take appropriate action where there is evidence of such behaviour.

Approval of long service leave
Your supervisor must consider your application for long service leave in a timely manner. Your supervisor has authority to approve long service leave. If you have not provided six months notice, the leave may be granted at your supervisor’s discretion.

You may ask your supervisor’s manager for advice or assistance to resolve any matter associated with an application for long service leave which has been declined by your supervisor. If this is unsuccessful then the University's grievance handling directives will apply.

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.

SICKNESS 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 an “Application to Cancel or Amend a Leave Request” available from [http://www.hru.uts.edu.au/manual/forms/conditions.html](http://www.hru.uts.edu.au/manual/forms/conditions.html).

LONG SERVICE LEAVE LIMIT

Academic staff who have accumulated in excess of 98 working days (pro-rata for part-time and sessional staff) of long service leave may be given written notice by the Senior Deputy Vice-Chancellor (or nominee) to take up to 65 working days (pro-rata for part-time and sessional staff) leave at a time convenient to the University. Under these circumstances, the following further conditions will apply:

- the Senior Deputy Vice-Chancellor (or nominee) will provide written notice at least 12 months prior to the date on which leave will commence. This period of notice may be shortened or waived by mutual agreement
- the 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 and sessional staff)
- the 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.

The above arrangements do not apply to senior and support staff. All staff are however encouraged to take long service leave during their employment.

CASHING OUT OF LONG SERVICE LEAVE

Although the UTS Academic Staff Agreement 2010 and Support Staff Agreement 2010 make provision for cashing out of long service leave, such provisions cannot be implemented under the NSW Long Service Leave Act and Fair Work Act. Refer to section, Pro-Rata Long Service Leave, for information about appropriate circumstances for payment or “cashing out” of long service leave on cessation of employment.

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
(c) upon retirement at or after age sixty or at such retirement age in accordance with the provisions of the relevant superannuation scheme; or
(d) upon expiry of one or more fixed-term appointments as a member of the Senior Staff group.

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.

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.
CONTACTS

For assistance in relation to these long service leave guidelines please contact the following:

Leave balance enquiries If you wish to query your leave balance in the neo (HR/Payroll System) contact your Payroll Officer. For contact details for Payroll staff refer to the following website:  http://www.fsu.uts.edu.au/about/index.html#payroll

Staff enquiries Staff Services on email staffservices@uts.edu.au or extension 1060

Supervisor enquiries relevant HR Partner in the HR Management Services Team

Current Human Resources Unit staff and contact details can be found at the HRU Services and Contacts webpage:  http://www.hru.uts.edu.au/services/index.html

The long service leave provisions of the enterprise agreements can be found at:  http://www.hru.uts.edu.au/manual/2ea/index.html

Further information on leave can be found on the HRU Pay and Conditions, Leave webpage:  http://www.hru.uts.edu.au/conditions/leave/index.html

Approval and Revisions Tables

Approval

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Revision/Modification History

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