Procedure: Long Service Leave

Purpose

Long Service Leave is provided for under the ANU Enterprise Agreement, the ANU Staff Leave policy and the Long Service Leave (Commonwealth Employees) Act 1976 (Cth). If there are any inconsistencies where application of the ANU Enterprise Agreement or the ANU Staff Leave policy would be detrimental as compared to the Act, the Act will apply between these documents the provisions of the Long Service Leave (Commonwealth Employees) Act 1976 (Cth) apply. This document provides staff with information in relation to conditions specific to long service leave, including their entitlement and the procedures for taking long service leave.

Procedure

Long service leave entitlements

1. A continuing, continuing (contingent funded) or fixed term staff member will accrue long service leave at the rate of 13 weeks (0.2492 days per fortnight of paid employment) for the first 10 years of continuous paid service and thereafter accrue on a pro-rata basis.

2. A staff member may take all or part of their accrued long service leave entitlement upon accrual of 13 weeks long service leave (that is, after 10 years’ continuous paid employment). Accrued long service leave may subsequently be taken at any time subject to notification, minimum period requirements and the University’s operational requirements.

3. In accordance with the Prior Service Recognition procedure, the ANU may recognise service with a previous employer for the purposes of long service leave provided there has been no more than a 2 month break in service, and long service leave has been provided for under the Long Service Leave (Commonwealth Employees) Act 1976 (Cth). The ANU will not accept the transfer of any long service leave balances, where the employee is eligible to be paid out long service leave with their previous employer.

4. Where a staff member has taken leave in the service of a recognised previous employer (defined in the Act), or where payment was made in lieu of
leave entitlement on termination of employment, that service will be recognised as qualifying service for determining when the staff member is eligible to take any subsequently accrued long service leave.

5. For the avoidance of doubt, the staff member will not retain any entitlement to leave for the period of service with the previous employer for which leave has been taken or for which payment in lieu has been made or for which there was eligibility for payment.

6. The transfer of long service leave liabilities to a recognised employer, in lieu of payment on termination is not normal practice. In exceptional circumstances, requests will be reviewed on a case by case basis by the Director Human Resources.

7. The normal minimum period of long service leave which may be taken is one (1) week subject to any exceptions stated below.

8. Nothing prevents a staff member making an application to the Director – Human Resources to:
   - cash out part of their long service leave due to hardship; or
   - have the long service leave payment made in a manner assisting the staff member. For example: working four (4) days a week and being paid one (1) days long service leave on a weekly basis for a defined period.

9. Notwithstanding clauses 3–5 above, the delegate may approve arrangements for taking long service leave agreed between the staff member and the supervisor that meet the staff member’s needs and operational requirements of the area. This may include approving variations in approved dates to accommodate agreed work requirements.

10. For the purposes of long service leave, the salary will include:
   - higher duties allowance at the rate in force at the date of commencement of the leave or date of payment, provided that the staff member has performed the higher duties for at least 12 months at the date of commencement of leave or the date of payment; and
   - long service allowance at the rate in force at the date of commencement of leave or the date of payment.

11. A staff member may, subject to the operational requirements of the University, take extended leave long service leave on half pay (instead of a shorter period on full pay).

12. Subject to the conditions governing annual leave, a staff member may add to the period of absence on long service leave:
• annual leave; and
• a public holiday which falls within or adjoins the long service leave period.

13. A staff member who becomes ill during a period of long service leave, and that illness is substantiated by a medical certificate, may apply to have their long service leave entitlement re-credited for the period covered by the medical certificate and substituted for personal leave as provided within the Enterprise Agreement.

Pro-rata leave for part time staff members

14. Where a staff member works part time for part or all of the period of employment, he or she will be paid long service leave entitlements pro rata, based on the full time salary at the time of leave, for the period of leave having regard to employment over the 10 year qualifying period.

Long service leave notice periods

15. Where a staff member gives 6 months’ or more notice, the time of taking long service leave will be at his or her choosing, unless the University establishes in exceptional circumstances that arrangements cannot reasonably be put in place that would allow the leave to be taken at the requested time.

16. Where a staff member gives less than 6 months’ notice, an application for long service leave will be considered subject to the operational requirements of the University.

17. This notice period does not apply where a staff member applies for long service leave during a period of approved unpaid parental leave.

18. A staff member who has accrued more than 19.5 weeks’ long service leave entitlements may be required, on six (6) months’ written notice, to take up to 13 weeks of such leave at a time convenient to the University, except that a staff member who has given written notice of his or her intention to retire must not be required to take long service leave within 24 months of retirement.

Payment on cessation of employment

19. A staff member who ceases employment before accruing 13 weeks’ long service leave will be entitled to payment equivalent to salary for the period of accrued leave if his or her period of continuous employment is not less than the relevant minimum qualifying period specified in the following table:

<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Minimum</th>
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</thead>
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Procedure: Long Service Leave
<table>
<thead>
<tr>
<th>Procedure</th>
<th>Qualifying Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement;</td>
<td>1 year</td>
</tr>
<tr>
<td>Redundancy;</td>
<td>1 year</td>
</tr>
<tr>
<td>Ceasing employment on the grounds of ill health;</td>
<td>1 year</td>
</tr>
<tr>
<td>Cessation of a continuing (contingent funded) appointment in circumstances where the staff member would be entitled to severance pay in accordance with the Continuing (contingent funded) appointments and related severance payments provisions of the ANU Enterprise Agreement;</td>
<td>4 years</td>
</tr>
<tr>
<td>Expiry of a fixed term appointment in circumstances where the staff member would be entitled to severance pay in accordance with the Fixed term appointments and related severance payments provisions of the ANU Enterprise Agreement; or,</td>
<td>4 years</td>
</tr>
<tr>
<td>Death in service</td>
<td>4 years</td>
</tr>
<tr>
<td>Resignation, dismissal</td>
<td>7 years</td>
</tr>
</tbody>
</table>

**Leave application process**

20. Where practicable, all staff are required to submit an Online leave application (HORUS) in advance of the leave.

21. A delegate must exercise their delegation to approve a leave application in accordance with the conditions and approval arrangements specified in this procedure.

22. Approval of leave beyond those provided for through this procedure requires approval of the Director –Human Resources or the Vice–Chancellor.