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PROCEDURES

Legislation

LSL entitlements for staff members of the University are in accordance with the provisions of the Long Service Leave (Commonwealth Employees) Act and the Charles Darwin University and Union Enterprise Agreement 2011.

Eligibility and Recognition of Prior Service

Staff members appointed to continuous full-time or part-time positions within the University, who were previously employed in continuous, full-time or part-time service (provided that any breaks in service do not exceed 12 months), with:

- Another Australian university
- The Northern Territory Government Public Service
- The Commonwealth Public Service or
- Another employer approved by the Vice-Chancellor;

are eligible to have their prior service recognised for LSL purposes.

The University only applies prior service recognition to the continuous service period for assessing eligibility to access LSL. The University does not recognise prior service for salary purposes.

For instance: Sam has worked for the Australian National University (ANU) for 4 years. Sam comes to work for CDU and applies to have his service with ANU recognised for the purpose of LSL. CDU approves this. When Sam has worked for CDU for another 3 years he would be eligible to access pro-rata LSL as his continuous service is recognised as 7 years however, his accrual for LSL salary purposes equates to only 3 years. The value of the entitlement is not recognised.

Where the staff member receives a payout of their LSL entitlement on cessation of employment with their previous employer, the University will not credit the value of the entitlement to their employment with the University. However, the University will apply prior service recognition to the continuous service period for determining when the staff member is next eligible to take LSL.

For instance: Mary has worked for ANU for 10 years, when she resigns to work for CDU, ANU pay Mary her accrued LSL entitlement. Mary applies to have her service with ANU recognised for the purpose of LSL. CDU approve this. Mary will be eligible to access pro-rata LSL with CDU based on her continuous service however, her accrual will equate to only the years worked with CDU. The value of the 10 years’ entitlement has already been paid to Mary by her previous employer, ANU.

A staff member leaving the employment of an employer to work for the University may, prior to leaving the employment of that employer, request the employer to pay to the University a sum equal to their accrued LSL. The University will recognise the previous period of employment as employment with the University under these circumstances.

For Instance: John has worked with ANU for 10 years, prior to resigning to work for CDU. John requests ANU to pay to CDU the value of his LSL entitlement. When this occurs, CDU will recognise his service with ANU and the value of his LSL entitlement and will regard his previous service with ANU as employment with CDU for the entire 10 year period, for LSL purposes.

A new staff member must make a request for the recognition of prior service before commencing employment at the University.

A staff member seeking recognition of prior service is required to provide the name and address of his or her previous employer/s and the duration of employment for which they are seeking recognition, to OHRS.

OHRS will request confirmation of prior service details from the staff member’s previous employer/s.
Following receipt of this information, OHRS will advise the staff member in writing whether the University will recognise the service for LSL purposes or not.

**Accrual of Long Service Leave**

LSL accrues at the rate of nine (9) calendar days per annum for each year of continuous service for full-time staff members.

Part-time employees accrue long service leave on a pro-rata basis.

Where a staff member has broken periods of eligible service, each period of service will count towards continuous service for calculating LSL, provided the break between each period is no more than 12 months (for instance fixed-term contracts, continuing appointments).

Where there is not more than 12 months between the cessation of employment with one employer and commencement of employment with the University service will be deemed to be continuous. However, the University will not take into account the period between cessation and commencement in determining the length of service for LSL purposes.

**Periods not counting as service**

The leave described below does not break a period of service but reduces the entitlements to LSL - that is, it defers the accrual dates for LSL.

For the purposes of determining a staff member’s entitlement to LSL, the following shall not count as service:

- Any periods of Leave Without Pay (LWOP) do not count as service for LSL purposes. Deduction of LWOP for LSL purposes includes any non-working days that fall within the period of LWOP, for instance, weekends and public holidays. Any periods of LWOP for less than a whole day are to be calculated and converted to the nearest whole day; and
- Any periods of service, that preceded a break in service of more than 12 months.

**Application for and Notification of Long Service Leave**

A staff member applying for LSL must do so by completing an Application for Leave form. The application is to be requested through the staff member’s supervisor for approval as follows:

- Vice-Chancellor – approved by the Chancellor;
- Deputy Vice-Chancellors, Pro Vice-Chancellors and Executive Directors – approved by the Vice-Chancellor;
- Academic Staff – approved by the relevant Pro Vice-Chancellor; and
- General Staff – approved by the relevant Senior Manager

Staff must forward the supervisor-approved Application for Leave form to OHRS no later than one (1) month before the leave is to commence.

**Salary whilst on Long Service Leave**

A staff member on LSL receives his or her salary as per usual through the University payroll system.

**Conditions of Long Service Leave**

LSL is granted in calendar days, inclusive of Saturdays, Sundays and public holidays.

The minimum period of leave to be taken at any given time is 14 calendar days.

LSL may be taken at double or half-pay The minimum periods of leave to be taken at double or half-pay must be equivalent to a minimum period of 4 weeks (28 calendar days) i.e. 8 weeks on half pay or 2 weeks on double-pay.
LSL may not be broken for the sole purpose of excluding a weekend or public holiday as defined in *The Agreement*. The University will not accept separate applications for LSL where the aim is to exclude a weekend and/or public holiday.

The University requires staff to provide six (6) months’ written notice of their intention to take LSL.

Approval for taking LSL is subject to operational requirements. However, only in exceptional circumstances would the University not approve an application.

Personal Leave is not available to a staff member whilst on LSL.

**Combining Long Service Leave and Paid Annual Recreational Leave**

The University requires a staff member to take Paid Annual Recreation Leave (PARL) before LSL where a staff member wishes to combine LSL and PARL. Once commenced, LSL must continue unbroken until the completion of the leave period. PARL, accrued during the above period, may not be utilised in that period of absence until the LSL leave is exhausted.

**Direction to take Long Service Leave**

The University may direct a staff member with LSL accruals in excess of 90 calendar days to take leave following written notification. The period of notification will be:

- General Staff – 6 months; and
- Academic Staff – 12 months.

**Recall from Long Service Leave**

The University may recall a staff member from LSL in exceptional circumstances. If this occurs, the University will reimburse the staff member all reasonable travel costs and incidental expenses not otherwise recoverable under any insurance or from any other source.

**Cessation of Employment**

Staff members who have served less than seven (7) years continuous service, shall be entitled to *pro rata* LSL at cessation of employment only where the staff member:

- Ceases employment due to redundancy;
- Decides to retire;
- Resigns or terminates employment (other than for serious misconduct) and has reached the minimum retiring age of 55 years;
- Ceases to be a staff member and satisfies the University that he/she is ceasing due to ill health of such a nature as to justify cessation of employment; or
- Dies (in which case payment will be to the staff member’s dependant/s).
ESSENTIAL SUPPORTING INFORMATION

Internal

Application for Leave form

CDU and Union Enterprise Agreement 2011

Human Resources Policy

External

Long Service Leave (Commonwealth Employees) Act
### Document History and Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date Approved</th>
<th>Approved by</th>
<th>Brief Description</th>
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<tbody>
<tr>
<td>1.00</td>
<td>15 May 2007</td>
<td>Vice-Chancellor</td>
<td>Creation of original document and posting to CDU website</td>
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| 1.01    | 15 Aug 2011   | Governance   | • Document converted from process to new procedure template  
|         |               |             | • Dean changed to Pro Vice-Chancellor to reflect title change.  
|         |               |             | • Addition of introduction, relevant definitions, and essential supporting information  
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| 2.00    | 09 Nov 2011   | Vice-Chancellor | Major review of document including changes in line with new CDU and Union Enterprise Agreement 2011. |
| 2.01    | 15 Feb 2012   | Governance   | • Minor changes to formatting  
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|         |               |             | • Minor changes to wording, grammar and formatting  
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