

Staff - Long Service Leave Procedures

INTRODUCTION

The University recognises the contribution of its staff members to the University's activities over a long period of time. As part of this recognition, eligible staff are entitled to Long Service Leave after a continuous employment period of seven (7) years or more.

COMPLIANCE

This is a compliance requirement under the [Charles Darwin University Act 2003](#) part 3, section 15.

INTENT

The intention of this document is to provide staff members with details of their entitlement to Long Service Leave and the legislative basis for eligibility, accrual and granting of Long Service Leave.

This procedure is subject to cl. 45 of the [Charles Darwin University and Union Enterprise Agreement](#) and the provisions in the [Commonwealth Long Service Leave Act](#).

RELEVANT DEFINITIONS

In the context of this document

Accrual period means a designated period of time in which leave accrues;

Continuous service means continuous, paid service, other than casual service, with the University;

Senior Executive means a staff member of the University holding the position of Vice-Chancellor, Provost, Deputy Vice-Chancellor, Pro Vice-Chancellor or Chief Financial Officer or equivalent;

Senior Manager means a staff member of the University holding the position of Director or Head of School or equivalent;

Supervisor means the person responsible for day-to-day supervision of a member of staff or a group of staff; and

Teaching-Focussed Academic Staff (TFAS) means an academic staff member expected predominantly to teach and engage in the scholarly advancement of teaching with limited involvement in other research activity.

PROCEDURES

Legislation

Long Service Leave 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](#).

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 Long Service Leave purposes.

The University only applies prior service recognition to the continuous service period for assessing eligibility to access Long Service Leave. 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 Long Service Leave. CDU approves this. When Sam has worked for CDU for another 3 years he would be eligible to access pro-rata Long Service Leave as his continuous service is recognised as 7 years however, his accrual for Long Service Leave salary purposes equates to only 3 years. The value of the entitlement is not recognised.

Where the staff member receives a payout of their Long Service Leave 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 Long Service Leave.

For instance: Mary has worked for ANU for 10 years, when she resigns to work for CDU, ANU pay Mary her accrued Long Service Leave entitlement. Mary applies to have her service with ANU recognised for the purpose of Long Service Leave. CDU approve this. Mary will be eligible to access pro-rata Long Service Leave 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 Long Service Leave. 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 Long Service Leave entitlement. When this occurs, CDU will recognise his service with ANU and the value of his Long Service Leave entitlement and will regard his previous service with ANU as employment with CDU for the entire 10 year period, for Long Service Leave 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 Office of People and Capability.

Office of People and Capability will request confirmation of prior service details from the staff member's previous employer/s.

Following receipt of this information, Office of People and Capability will advise the staff member in writing whether the University will recognise the service for Long Service Leave purposes or not.

Accrual of Long Service Leave

Long Service Leave 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 Long Service Leave, 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 Long Service Leave purposes.

Periods not counting as service

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

For the purposes of determining a staff member's entitlement to Long Service Leave, the following shall not count as service:

- Any periods of Leave Without Pay (LWOP) do not count as service for Long Service Leave purposes. Deduction of LWOP for Long Service Leave 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 Long Service Leave 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 Office of People and Capability HRS no later than one (1) month before the leave is to commence.

Salary whilst on Long Service Leave

A staff member on Long Service Leave receives their salary as per usual through the University payroll system.

Conditions of Long Service Leave

Long Service Leave 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.

Long Service Leave 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.

Long Service Leave may not be broken for the sole purpose of excluding a weekend or public holiday as defined in [Charles Darwin University and Union Enterprise Agreement](#). The University will not accept separate applications for Long Service Leave 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 Long Service Leave.

Approval for taking Long Service Leave 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 Long Service Leave.

Combining Long Service Leave and Paid Annual Recreational Leave

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

Direction to take Long Service Leave

The University may direct a staff member with Long Service Leave 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 Long Service Leave 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 Long Service Leave 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 they are 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 2013](#)

[Human Resources Policy](#)

External

[Long Service Leave \(Commonwealth Employees\) Act 1976](#) (Commonwealth)

Document History and Version Control

Last amendment:	15 Dec 2017	Next Review:	Nov 2013
Sponsor:	Deputy Vice-Chancellor, Operations		
Contact Officer:	Director, People and Capability		

Version	Date Approved	Approved by	Brief Description
1.00	15 May 2007	Vice-Chancellor	Creation of original document and upload to CDU website.
1.01	15 Aug 2011	Governance	<ul style="list-style-type: none"> • 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 • Removal of flowchart • Functional head replaced by Senior Manager to reflect title change
2.00	9 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	<ul style="list-style-type: none"> • Minor changes to formatting • Addition of point 4 in 'Cessation of Employment' section
2.02	25 Jul 2013	Governance	<ul style="list-style-type: none"> • Assigned document number • Converted document to current template • Minor changes to wording, grammar and formatting • Updated and added hyperlinks
2.03	15 Dec 2017	Governance	<ul style="list-style-type: none"> • Conversion to new template due to new University branding • Updated definitions • Updated hyperlinks • Changed reference to The Act to Longs Service Leave (Commonwealth Employees) Act • Added Sponsor, Deputy Vice-Chancellor, Operations • Amended Contact Officer from Manager, Employee Relations, OHRS to Director, People and Capability • Amended references to "The Agreement" to CDU and Union Enterprise Agreement 2013 • Amended Reference to CDU and Union Enterprise Agreement 2011 to 2013 • Amended OHRS to Office of People and Capability