Long Service Leave Procedure (MPF1138)

GOVERNING POLICY
This procedure is made under the Leave Policy.

SCOPE
This procedure applies to all fixed term, continuing and casual staff.

PROCEDURE

1. Applications for long service leave

1.1. An eligible staff member may apply for paid long service leave (LSL) by submitting an application electronically through Themis (HR) self service.

1.2. To be eligible to take LSL a staff member must have 10 years of continuous service with the University or with another organisation which is recognised by the University for this purpose and the staff member has applied for recognition of that service.

1.3. Service as a casual staff member that meets the requirements of the Long Service Leave Act 1992 will count as service for LSL purposes. Service as a casual staff member prior to 15 June 2010 will not count as service for the purposes of determining when such a staff member has qualified for LSL or the amount of LSL to which the staff member is entitled.

1.4. Casual service is recognised for the purposes of long service leave if that service is:

• continuous with the University and
• there has been no more that a three month absence between two periods of employment, or if there is an absence of greater than three months, the absence was due to the nature of the staff member’s engagement with the University or the seasonal nature of the employment.

1.5. After ten years of continuous service, an eligible staff member may apply for up to 13 weeks paid long service leave (pro rata) and an additional 6.5 days (pro rata) upon completion of each additional year of service, provided that the years of service are of the type where long service leave entitlements accrue.

1.6. Where a staff member has completed ten years of continuous service, but part of this service was not of the type where long service leave entitlements accrued, the staff member may apply for paid long service leave proportionate to the long service leave accruals.

2. Continuous service

2.1. For the purposes of determining the length of continuous service of a continuing or fixed-term staff member, the following absences are not considered to break continuity of employment:

• any period of leave without pay
• any period of leave with pay
• any period of service in the defence forces of the Commonwealth of Australia
• any period of stand-down due to curtailment of services, provided that the University has offered re-employment after the stand-down period, and the staff member has accepted and has reported for duty when required.
• any period off duty, arising either directly or indirectly from an industrial dispute
• termination of employment by the University if the staff member is re-employed within a period not exceeding 2 months from the date of the termination
• if an academic staff member is employed on a research fixed-term contract, any break in service of no greater than 6 months between subsequent fixed-term contracts
• any absence from work of a woman because of pregnancy, for a period not exceeding 12 months
• any absence on account of work-related illness or injury
• any absence of not more than 48 weeks in any year on account of non-work-related illness or injury
• any interruption or ending of the employment by the University made with the intention of avoiding long service leave or annual leave obligations.

3. Recognition of prior service

3.1. A continuing or fixed-term staff member who wishes the University to recognise prior service at another organisation for the purposes of long service leave may apply in writing to the head of budget division for recognition of that prior service within 12 months of commencement of employment at the University.

3.2. Where service is recognised by the University, long service leave entitlements will be determined solely by University rules, even if these differ from those of other organisations. This includes recognition of any prior service which was recognised by that employer. Service which has been paid out by another organisation will be recognised but accrued entitlements from this service will not be credited towards the staff member’s leave balance.

3.3. Staff members with recognised service for LSL purposes from another organisation cannot take their accrued LSL until they have completed 3 years of service with the University and a total of 10 years continuous service. This does not affect the staff member’s right to payment in lieu of long service leave on termination.

3.4. The University may recognise a continuing or fixed-term staff member’s prior service with another organisation for the purposes of long service leave, including any service for which the staff member has received pay in lieu of leave, where:

• full particulars of all service and any long service leave or pay in lieu taken or received were disclosed by the staff member before their appointment to the University, and the other organisation has verified those particulars
• service between the other organisation and the University is unbroken, that is, there is a break in employment between organisations of no more than 4 weeks for professional staff, 2 months for continuing academic staff, and 6 months for fixed-term academic staff.

3.5. The organisation at which the staff member undertook the prior service must be their most recent employer prior to the University and one of the following organisations (or their successors in law) with which the University has agreements for reciprocal recognition of service for the purpose of determining long service leave entitlements:

- the Australian Public Service and those Commonwealth institutions recognised by the Australian Public Service
- the Victorian Public Service and those Victorian institutions recognised by the Victorian Public Service except hospitals and local government departments
- all Australian institutions of higher education
- Howard Florey Institute of Experimental Physiology and Medical Research.

4. Accrual of long service leave entitlements
4.1. A staff member will continue to accrue long service leave entitlements during the following absences from the University which are periods of continuous service:

- any period of leave with pay
- service in the defence forces of the Commonwealth of Australia
- absence of up to 48 weeks in any year on account of non-work-related illness or injury
- interruption or ending of employment by the University, if such interruption or ending is made with the intention of avoiding long service leave or annual leave obligations.

4.2. A staff member will not accrue long service leave entitlements during the following absences from the University:

- any periods of stand-down due to curtailment of services
- periods off duty, arising either directly or indirectly from an industrial dispute
- termination of employment by the university if the staff member is re-employed within a period within 2 months from the date of such termination
- if an academic staff member is employed on a research fixed-term contract, any break in service of no greater than 6 months between subsequent fixed-term contracts
- parental leave without salary
- absence without leave of the university of more than 48 weeks in any year on account of illness or injury, however arising
- absence on leave without salary.

5. Long service leave prior to retirement

5.1. A staff member who is within three years of retirement may, with the approval of the head of department, take their entitlement to long service leave on half pay for twice the period, provided the staff member has advised the head of department in writing of the date of retirement.

6. Long service leave on termination of employment

6.1. A staff member who has at least seven years of continuous service will receive pro rata payment of long service leave upon termination of the staff member's employment, provided that the years of service are of the type where long service leave entitlements accrue.

6.2. Where the death of a staff member occurs, the staff member's estate will receive a pro rata entitlement to the LSL accrued by the deceased staff member.

6.3. Where a staff member has completed more than five but less than ten years' continuous service a pro rata payment of long service leave will be paid where the staff member:

- resigns within 6 months of bearing a child, or
- bears a child within 3 months after resignation.

6.4. Where an academic or professional staff member terminates employment as a result of redundancy, they will receive payment on a pro rata basis for long service leave accrued provided that, in the case of a professional staff member, the staff member has at least one year of continuous service.

7. Discontinued fixed-term contract

7.1. A staff member on a fixed-term contract who has five or more years of continuous service, will receive pro-rata payment of long service leave upon the expiry of the fixed-term contract where the University does not offer a new fixed-term contract, provided that the staff member:
• seeks to continue employment and has already completed employment in a second or subsequent fixed-term contract
• was not employed on a fixed-term contract categorised as a research, specific task or project or externally funded
• entered into the second or subsequent fixed-term contract of employment after 1 May 2006.

8. Excess long service leave

8.1. A staff member whose long service leave entitlement exceeds 19.5 weeks may be directed to take up to 13 weeks long service leave to reduce the balance to a maximum 19.5 weeks by 30 June each year, unless the staff member’s reasonable requests for long service leave have been denied over the preceding year.

8.2. A staff member with the approval of the head of budget division may cash-out all or part of their excess long service leave entitlement.

9. Cashing out long service leave

9.1. A staff member who has accrued long service leave entitlements may cash-out part of their entitlement.

9.2. A staff member must apply in writing to take an amount of long service leave equal to or greater than the amount of long service leave they intend to cash out.

9.3. The amount of long service leave applied for must be at least two weeks, in the case of a staff member directed to take long service leave, or at least four weeks in any other case.

9.4. A request in writing must be forwarded through the head of department to the head of budget division at least four weeks before the date of the long service leave setting out the number of days of long service leave to be cashed out and the number of long service leave days applied for by the staff member.

9.5. Where a head of budget division approves a request to cash-out long service leave:

• the staff member will forward the approved request to local Human Resources
• local Human Resources will arrange for the staff member to be paid at the rate of the staff member’s substantive salary at the date of payment except that, where a staff member has been receiving salary allowances (excluding overtime and shift penalties) for 12 months or more immediately prior to payment, the salary allowances will be included in the calculation of the cash payment.

9.6. Staff members should consider the tax implications of cashing out part of their long service leave entitlement.

10. Employment during long service leave

10.1. A staff member may not undertake other employment during a period of long service leave.

11. Sickness during long service leave

11.1. Where a staff member becomes sick during long service leave, the local Human Resources officer will, on request of the staff member and on production of a medical certificate, arrange to re-credit long service leave for periods of three days or longer and debit the period against the staff member’s sick leave balance.
12. Cancellation of long service leave

12.1. A staff member may cancel long service leave that has previously been approved by submitting a completed Application to Cancel Leave form to their supervisor for approval.

13. Leave accruals during long service leave

13.1. Annual and sick leave accrue during long service leave. University holidays that fall with a period of LSL are not deducted as part of the long service leave.

RELATED DOCUMENTS

- Human Resources website
- Leave Policy
- University of Melbourne Collective Agreement 2010

RESPONSIBLE OFFICER

The Executive Director, Human Resources is responsible for the development, compliance monitoring and review of this procedure and any associated guidelines.

IMPLEMENTATION OFFICER

The Director, Specialist Services, Human Resources is responsible for the promulgation and implementation of this procedure in accordance with the scope outlined above. Enquiries about interpretation of this procedure should be directed to the implementation officer.

REVIEW

This procedure is to be reviewed by 30 June 2015.

VERSION HISTORY

<table>
<thead>
<tr>
<th>Version</th>
<th>Approved By</th>
<th>Approval Date</th>
<th>Effective Date</th>
<th>Sections Modified</th>
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<tbody>
<tr>
<td>1</td>
<td>Senior Vice Principal</td>
<td>27 July 2012</td>
<td>27 July 2012</td>
<td>New version arising from the Policy Simplification Project. Loaded into MPL as Version 1.</td>
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<tr>
<td>2</td>
<td>Senior Vice-Principal</td>
<td>28 March 2013</td>
<td>28 March 2013</td>
<td>Removal of section 8.2 and consequential renumbering.</td>
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<td>3</td>
<td>Vice-Principal Administration &amp; Finance</td>
<td>21 May 2015</td>
<td>4 Jan 2016</td>
<td>Fix broken links in sections 1, 12 and Related Documents.</td>
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