

Implementation Issues - Half Pay Long Service Leave

1. Entitlement to half pay long service leave (Appendix 3 clause 8.9)

An employee may request long service leave (LSL) at half pay. An employer must grant the leave if the request is reasonable. It is up to the Principal to decide if the request is reasonable considering the needs of the school (including curriculum requirements, staffing needs and financial position). Ultimately, this is a discretionary decision of the Principal.

2. Time fraction during long service leave

When an employee takes long service leave at half pay, their FTE before the commencement of the LSL remains unchanged.

For example

- A full time employee (1.0 FTE) who takes full-time long service at half pay continues to be employed at 1.0 FTE but whilst taking LSL they are paid at 0.5 FTE.
- A part-time time employee (0.5 FTE) who takes part-time long service at half pay continues to be employed at 0.5 FTE but whilst taking LSL they are paid at 0.25 FTE.

3. Public holidays during LSL at half pay

Any period of LSL is exclusive of public holidays which occur during the period leave is taken. As such, an employee is entitled to be paid their ordinary rate of pay on any public holiday that falls during any period of LSL, without deduction from their LSL leave entitlement.

Where an employee is taking LSL for double the time at half their ordinary rate of pay, they are still entitled to be paid their full ordinary rate of pay on any public holiday that falls during their period of LSL without deduction from their LSL leave entitlement. This is because their FTE remains unchanged.

The payment for the Public Holiday is not deducted from their LSL entitlement and it does not lengthen their period of LSL.

For part-time employees payment for public holidays is only required where the employee would normally work on that day.

4. School holiday pay (Clause 25.5)

An employee is entitled to be paid their ordinary rate of pay for School Holidays that fall during any period of LSL.

Where an employee is taking LSL at half pay, the employee is entitled to be paid any school holidays that fall during their period of LSL at their ordinary rate of pay.

For example, a full time employee who takes LSL at half pay is entitled to payment during school holidays at their full time rate of pay.

Note that where pro rata school holiday pay applies (Clause 25.6) then the employee will not be entitled to payment for all of the school holidays.

5. Annual leave loading

Where an employee is taking long service leave at half pay when annual leave loading payments are made, then the employee's annual leave loading should be calculated at the employee's ordinary FTE.

For example, the annual leave loading payment for a full-time employee is made based on their full-time rate of pay.

6. LSL accrual

If an employee takes LSL at half pay, the employee will accrue further LSL entitlements at their ordinary rate for the period they are taking LSL.

7. Interaction of half pay LSL with Parental Leave (Appendix 1 Clause 5. (2))

An employee is entitled to take LSL at full pay or at half pay, in conjunction with taking Parental Leave (but not at the same time as taking paid Parental Leave because an employee taking Parental Leave may only take one form of paid leave at a time). Note that LSL taken in conjunction with Parental Leave does not extend the period of Parental Leave.

8. Personal leave (Appendix 3 Clause 8.5)

Where an employee becomes ill whilst on LSL, including half pay LSL, for more than 7 continuous days, the employee will, subject to the provision of satisfactory medical evidence to the employer, have the time treated as personal leave and have the LSL re-credited accordingly. The personal leave is paid at the employee's ordinary rate of pay (not at the half pay LSL rate).

9. Further information

Any queries in relation to the implementation of long service leave should be directed to the Industrial Relations Unit on (03) 9267 0431 or by email on ceoir@ceomelb.catholic.edu.au.