

Long Service Leave



Provisions related to Long Service Leave (LSL) are provided for within Appendix 3 of the Victorian Catholic Education Multi Enterprise Agreement 2013 (VCEMEA).

This document provides a summary only. For specific information on LSL entitlements, it is recommended that employers review Appendix 3 of the VCEMEA.

Entitlements

Employees are entitled to thirteen weeks Long Service Leave (LSL) upon completion of ten years continuous service in Catholic Education in Victoria. Further entitlements to LSL are accrued at the rate of 1.2 weeks per year of service until 28 January 1996 and 1.3 weeks per year of service from 29 January 1996.

From 29 October 2008, an employee shall be entitled to their accrued LSL, on completion of seven years of continuous service in Catholic education.

Any period of LSL taken shall be exclusive of any public holidays occurring during the period when leave is taken, and any annual leave or school holidays.

The entitlement to LSL of any casual employee is governed by the *Long Service Leave Act 1992 (Vic)* and not the VCEMEA.

Calculation of leave entitlements

For the purpose of this information, *ordinary rate of pay* means:

the current weekly rate for an employee as prescribed in this Agreement plus:

- (i) any regular weekly over-Agreement payments;*
- (ii) any position of leadership allowance which is paid on a regular and continuing basis;*
- (iii) any penalties or allowances in the nature of salary;*

but does not include:

- (i) any overtime;*
- (ii) any travel allowance;*
- (iii) any other allowances that are not in the nature of salary.*

For the avoidance of doubt, where an employee elects to access salary packaging provided by the employer, the employee's ordinary rate of pay for the purposes of this Appendix will be determined as if the salary packaging arrangements had not occurred.



Long Service Leave is paid at the ordinary rate of pay at the time of taking the leave or on termination.

Where an employee has had both full-time and part-time service, the employee may elect, to the extent of their entitlement, the proportion of the leave entitlement to be taken as full-time or part-time LSL.

The calculation and payment in respect to an employee's LSL shall be as follows:

Full-time LSL: the full-time ordinary rate of pay at the time of taking the leave by the number of weeks taken as full-time LSL.

Part-time LSL: the ordinary rate of pay at the time of taking the leave multiplied by the greater of either:

- the average Full-Time Equivalent over the period of part-time service; or
- the average Full-Time Equivalent over the most recent aggregate period of twelve months of part-time service.

Entitlement on termination of employment

Effective from 1 January 2006, an employee who has completed at least seven years continuous service in Catholic education is entitled to a LSL termination payment in lieu of their LSL. The payment must be made unless the employee elects to forgo the payment as outlined below. This payment must be the equivalent in remuneration that the employee would have received had the full amount been taken as leave at the date of termination.

Portability and process on termination

An Employee may, at the time of termination, make a request to their Employer to forgo the payment in recognition of the LSL entitlement, provided that;

- the Employee declares, at the time of termination, the details of the new Employer or that the Employee is seeking employment within Catholic education, and
- the period between the date of termination and the commencement of employment with a new Employer is not more than four full school terms.

Where the Employee makes a request to forgo the payment of a LSL payment under these provisions, and commences within the required four full school terms from the date of termination, the LSL entitlement will be recognised and the service that it relates to will be treated as continuous service with the new Employer.

Where the Employee makes a request to forgo the payment of a LSL payment under these provisions, and does not commence within the required four full school terms from the date of termination, the Employee will be paid their accrued LSL entitlement with effect from the date of termination.

Entitlements when an employee leaves and resumes employment in Catholic Education

Where, after termination of employment, an Employee resumes employment in Catholic education after October 2008, then:

- If the Employee resumes employment within two full school years from the date of termination, the service shall be continuous but not accruable for LSL purposes.
- If the employee resumes employment within a period exceeding two full school years after the date of termination, the service shall not be deemed as continuous or accruable for LSL purposes. Any further entitlement to LSL shall be determined from the date of resumption of service in Catholic education.

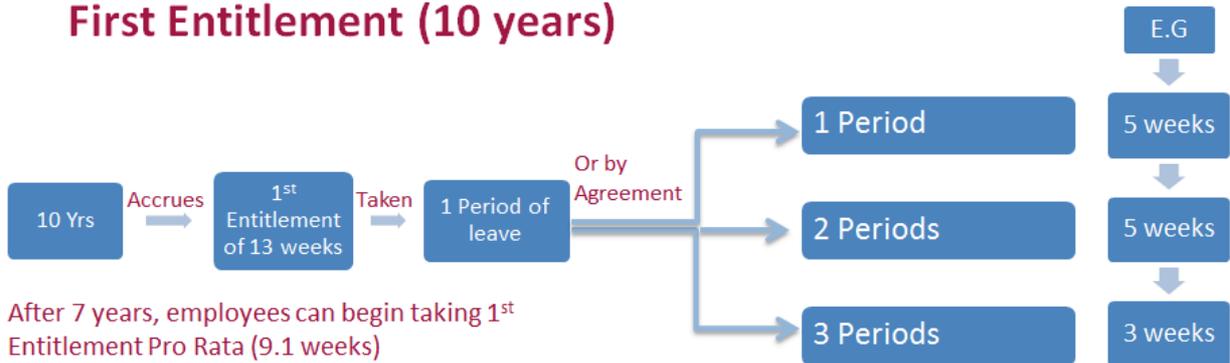


Conditions related to taking leave

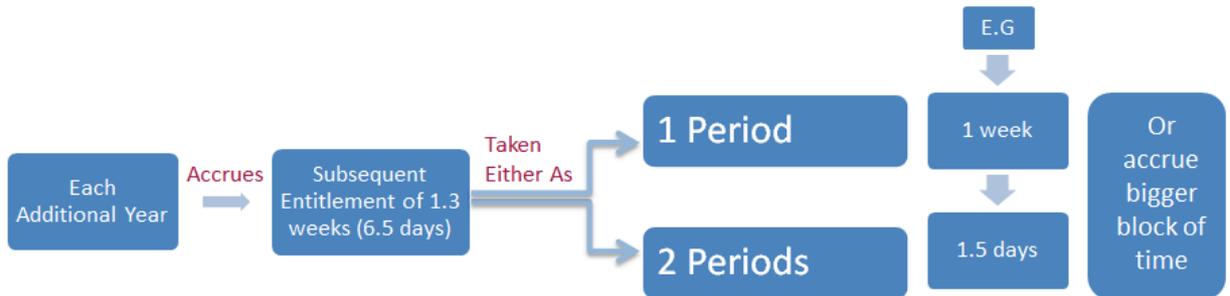
When an Employee becomes entitled to LSL, the leave should be granted by the Employer as soon as practicable, having regards to the needs of the school, or at a later time agreeable between the Employer and the Employee.

LSL must be taken in one period, unless where the Employer and Employee agree, the first period of LSL entitlement may be taken in two or three separate periods. Any subsequent periods of LSL may be taken in two periods.

First Entitlement (10 years)



2nd and subsequent Entitlements (11+ years)



Illness while on long service leave

An employee may be given credit for long service where an Employee becomes ill whilst on LSL and the illness is for a period of greater than seven days. The credit will be subject to the Employee submitting satisfactory medical evidence and the period will be treated as personal leave.

References

- *Victorian Catholic Education Multi Enterprise Agreement 2013*

Legislation

- *Long Service Leave Act (Vic) 1992*