



**uniting
church**
in Australia,
Synod of NSW & ACT

Long Service Leave

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1. Overview/Background

The Synod of NSW and ACT ('Synod') supports its long-serving employees with long service leave. Long service leave forms part of the National Employment Standards and is determined by the relevant State or Territory laws in which the employee works.

2. Purpose of Policy

This policy outlines eligibility for Long Service Leave, its accrual and how the leave can be taken.

3. Applicability (scope)

This policy applies to all permanent full-time, part-time employees and casual employees who are employed by the Synod. To be eligible, casual employees must work for a minimum of 32 hours in each consecutive 4-week period to be entitled to Long Service Leave. This policy does not apply to contractors, consultants or individuals engaged via external agencies.

Note: This policy does not apply to Ministers – they have access to Ministers' Long Leave provisions, detailed in the Ministers' Handbook.

4. Responsibilities

The Director, People and Culture owns the policy and is responsible for overseeing its implementation, for ensuring that:

- ▶ People Managers and employees are aware of their responsibilities under this policy;
- ▶ Long service leave is accrued correctly;
- ▶ Long service leave accruals are monitored and employees to encourage to take their long service leave;
- ▶ Where appropriate and in accordance with the relevant legislation, directing an employee to take long service leave.

Payroll has responsibility for:

- ▶ Keeping accurate records of service for employees, including periods of unpaid leave during which long service leave does not accrue, and recognition of prior service;
- ▶ Ensuring accruals are calculated in accordance with the relevant legislation;
- ▶ Accurately reflect an employee's employee status and any changes thereto (e.g. part-time to full-time or vice versa).

People Managers are responsible for:

- ▶ Considering and not unreasonably denying long service leave applications;
- ▶ Where an application for long service leave can't be granted, speaking with the employee in a timely manner to identify and agree on alternative date(s); and
- ▶ Ensuring employees in their team complete the long service leave application form and, once approved, submitting the form to Payroll.

Employees are responsible for:

- ▶ Discussing their plans and making application for long service leave as soon as they are able (but at least four weeks in advance of the proposed date for commencing the leave);

- ▶ Submitting their long service leave application to their Manager for approval and forwarding to Payroll.

5. Accruals

Eligibility for long service leave varies between New South Wales and the Australian Capital Territory. The eligibility criteria for each region are set out below:

NSW: 8.6667 weeks' long service leave after 10 years' continuous service, plus
4 weeks long service leave for every additional 5 years of service

ACT: 6.0667 weeks' long service leave after 7 years' continuous service
1 month long service leave for every additional 5 years of continuous service

Continuous service refers to the total amount of time an employee has been in paid employment. This includes all paid leave but does not include unpaid leave such as unpaid parental leave, leave without pay or unpaid sick leave.

6. Principles

6.1 Taking long service leave

The Synod believes in the value of employees taking time away from work to pursue leisure or other activities. As a general rule, we encourage employees to take long service leave once it falls due. Naturally, however, long service leave needs to be taken at a mutually agreeable time. For this reason, we encourage employees to discuss their intended plans with their People Manager as soon as possible, but no later than four weeks in advance. The more notice an employee can give us, the better we are able to respond to requests and plan for an employee's absence particularly where that absence may be of four weeks' duration or more.

Requests for long service leave won't be unreasonably denied, however, there may be occasions where some compromise or adjustments are needed and, if that should occur, we ask employees to work with us in arriving at a workable solution for all parties.

Legislation may allow the Synod to direct that long service leave is taken provided the requisite period of notice is provided (usually one month in NSW and 60 days in ACT, but this period may be adjusted by temporary or permanent legislative changes made by the State or Territory Government).

The amount of Long Service Leave which can be taken at any one time may differ in each State or Territory. People and Culture or Payroll can offer further guidance.

Payment of long service leave is at the employee's rate of pay at the time of taking the leave.

6.2 No cashing out

As long service leave is intended to give long-serving employees a break, employees cannot accept payment for long service leave in lieu of actually taking the leave. This is as prescribed by long service leave legislation in both NSW and the ACT.

7. Portability of Long Service Leave Entitlements

To support its employees, the Synod provides full portability of accrued long service leave entitlements in the event that employees cease employment with one Synod employer and take up new employment with another Synod employer within two (2) calendar months of their termination date.

8. Termination of Employment and Unused Long Service Leave

Long Service Leave entitlements are paid out on termination of employment. Eligibility varies between NSW and ACT as set out below:

- ▶ **New South Wales** – Pro rata long service leave is paid out on termination after 5 years continuous service where:
 - ▶ The employment termination is at the initiative of the Church and is not for serious misconduct or
 - ▶ If the employee resigns because of illness, incapacity or domestic or other pressing necessity;

In the absence of either of these conditions, long service leave is paid out on termination of employment after 10 years' service.

- ▶ **Australian Capital Territory** – Pro rata long service leave is paid out after 5 years continuous service where a person's employment is terminated:
 - ▶ By the employee because of illness or incapacity or a domestic or other pressing necessity;
 - ▶ By the employee after attaining the minimum retiring age; or
 - ▶ By the employer for a reason other than the employee's serious and willful misconduct,

In the absence of either of these conditions, long service leave is paid out on termination of employment after 7 years' service

9. Relevant legislation

Long Service Leave Act (NSW) 1955
Long Service Leave Act (ACT) 1976
Fair Work Act (Cth) 2009
[Any relevant Modern Awards]

10. Review

This policy will be reviewed three years from its date of implementation or sooner as may be required by any changes in legislation.

11. Terms and Conditions

This Policy does not form part of any contract of employment or contract of engagement and may be amended, replaced or revoked at any time by the Synod at its discretion.