



AEU Fact Sheet - Long Service Leave

Taking long service leave represents having had a long career of service to education – so from all of us at the AEU, thanks for your hard work. You deserve a wonderful break.

Long service leave is regulated by the Enterprise Agreement and by public sector legislation. It works a little differently to other forms of leave, so it's important to understand the basics if you're planning to use it. This fact sheet has a list of frequently asked questions that we receive at the AEU office.

If you're unsure about anything in this document or you need a hand navigating a tricky issue, reach out to the AEU office for assistance. The best way to do this is to send an email to aeuact@aeuact.org.au with a brief outline of your issue. Our expert industrial advocates are always ready to help.

While the majority of the information in this fact sheet applies to all of our members in schools and CIT, there are some differences between the entitlements available for our members in CIT, particularly in relation to taking a block of long service leave for less than 7 days. If you are in CIT and have an issue with this or are needing advice about long service leave, please reach out to us.

What is long service leave?

Long service leave is an entitlement that all employees become eligible to receive (including full-time, part-time and casual employees) upon completion of 7 years of service. It is additional form of paid leave provided to long serving employees in recognition of their continued service to a particular employer.

After 7 years of eligible service, employees will be able to access 2.1 months of paid long service leave. From 7 years onwards, employees continue to accrue additional long service leave of approximately .3 of a month every year. After 10 years, an employee will be entitled to access 3 months of long service leave.

Will I receive my regular pay when I'm on long service leave?

The short answer is yes. However, if you have worked a combination of casual/part-time and full-time during your period of service, the amount you will be paid will change. This can be quite complicated, but the AEU office and Shared Services can assist you to better understand your entitlement if you have not worked full-time for the entire period of service, or if you have not worked consistently for the ACT Government.



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My payslip shows 'LSL Fulltime' and 'LSL part time' under my leave balance - what does this mean?

As outlined above, if your service includes periods of full time and part time employment, you will be entitled to different rates of pay under each accrued leave type.

What counts towards the 7 years of eligible service?

It goes without saying that your current service with your current employer counts. This includes periods of paid leave. Most periods of unpaid leave do not count as service for the purposes of *accruing* long service leave, however the period of leave without pay does not break your continuity of service for the purpose of calculating *eligibility* for taking long service leave. A requirement for accessing long service leave is having 7 years of continuous service.

Outside your current period of employment, other periods of your work may count as service for the purposes of calculating long service leave. This includes work with other ACTPS services agencies or directorates.

For instance, if Jane had worked as a teacher in an ACT public school prior to their time in CIT for a period of 3 years, those 3 years would count as service for the purposes of long service leave with CIT. It is crucial, however, that there was not a break of more than 12 months between Jane's employment with the Education Directorate and CIT to maintain continuity of service. All other forms of employment within the ACTPS will also count as service for the purposes of long service leave.

The ACTPS also recognises some other forms of employment, including employment with:

- the Australian Public Service
- another State or Territory Government
- a Public Health Organisation
- a government owned entity

For instance, if you are currently teaching in an ACT public school and have recently moved from the NSW public school system, the period of time in NSW will count towards the eligible period of service for long service leave.

However, similarly to the situation with other employment within the ACTPS, there must not be a break of more than 12 months. Remember that a requirement for accessing long service leave is having 7 years of continuous service. Taking a break for more than 12 months will cause a break in continuity.

How do I make an application to access my long service leave and how much notice should I give?

You should discuss your intention to take long service leave as early as possible. This will allow your employer to plan around your absence and thereby increase the likelihood that your leave



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will be approved. You should follow up any discussions with a written request – i.e. send an email with your preferred arrangements to your principal/manager.

I applied for long service leave, but my application was denied. What are my rights?

A request to take long service leave may be denied, but only on reasonable business grounds. If your application for leave is denied, you can request that reasons be provided to you in writing. ACTPS Enterprise Agreements state that if written reasons for non-approval are requested, they must be provided. This is useful if you believe that the grounds are not reasonable. Having received the reasons in writing, you can ask the AEU office for advice regarding whether you have reason to challenge the decision.

If an application for long service leave is denied, your employer must consult with you to determine mutually convenient alternative arrangements. This might mean taking long service leave at a different time to what you had first requested.

My manager approved my long service leave months ago, but now I have been informed that I may no longer access my long service at the intended time. What rights do I have?

If you no longer wish to take long service leave, you should notify your manager as soon as possible cancelling the leave. It does become difficult the closer you get to the start of the long service leave, particularly if you are taking an extended period of leave and arrangements have been made to backfill your position.

I want to access two days of long service leave per week for a whole term. Am I permitted to do this, or must I access the leave in minimum weekly blocks?

Long service leave is designed to be taken in a week (seven day) block. This means that any period of long service leave taken will also include the weekend. Generally, this is how long service leave works across Australia.

It is possible to take long service leave in the ACTPS in blocks of less than a week. However, when taking less than a week block of long service leave you should be aware that the deduction will factor in the weekend at 1.4 days per 1 day of long service leave taken. This is because $1.4 \times 5 \text{ week days} = 7 \text{ days}$. For instance, if Jane decided they wanted to take 2 days of long service leave, they would be deducted 2.8 days from their long service leave balance.

In effect, the rate is deducted counting the weekend as well. The ACT Government's fact sheet on long service leave describes this as follows:

This means a full-time employee taking 5 work days of leave Monday – Friday (deducted at 1.4 days each) has the same deduction rate as an employee taking 7 calendar days (5 work days and 2 weekend days, Monday - Sunday), given the latter includes the weekend.



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If you are happy to be deducted 1.4 days of long service leave per working weekday, then taking long service leave flexibly can be a useful strategy for many employees.

There are some differences in the entitlements available for our members in CIT when long service leave in blocks of less than a week. If you are in CIT and have an issue with this or need advice, please reach out to us.

I only accessed 3 days of long service leave, but I was deducted more than 3 days. Is this correct?

Yes, see question above. Taking 3 days of long service leave will incur the 1.4x deduction rate for each day taken, because you're taking leave in a block less than 7 days. In this example, 3 days of leave would be deducted at a rate of 1.4 LSL days per day, which equals a total leave balance deduction of 4.2 days. Another way of saying this is that $3 \text{ days} \times 1.4 = 4.2$.

I'm a school teacher and I am looking at taking a whole term of long service leave. If I access long service leave for the whole term, then return to work the following term, will I be paid for the stand down period?

Yes. If you work on one side of a stand down period (before or after), you are paid stand down as normal.

I've decided to take two consecutive terms of long service leave. If I access long service leave commencing day one, term 2, and return day 1 term 4, will I be paid stand down at the end of term 2?

No, you will be required to utilise your long service leave balance for stand down period between term 2 and 3. You will, however, be entitled to stand down for the period between term 3 and term 4. This is because if you do not work on either side of a stand down period (before or after), you are not paid stand down as normal and must deduct that period from your leave balance.

How does long service leave interact with public holidays?

If there is a public holiday that occurs while you are on long service leave, you will still be required to use long service leave for that day and it will be deducted from your long service leave balance.

I became ill while taking long service leave. Am I entitled to a reimbursement of my leave?

Yes. If you're ill or injured during long service leave, to the extent that you would normally take time off work, you're entitled to take this as personal leave. You should follow the usual process for personal leave – produce evidence from a registered health professional (such as a medical certificate). Upon approval, your long service leave balance will be re-credited for the days that you took as personal leave.



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Remember that you are also entitled to take personal leave for the purpose of caring for an immediate family member who is ill or injured. This remains the case while you're on long service leave.

Am I permitted to work, such as teach casually, while on my long service leave?

Generally, no. If you are receiving a long service leave salary you cannot receive a second salary from the same employer for work undertaken concurrently. However, in the ACT, you may access long service leave flexibly, which might allow you to teach in a casual position.

For example, you may choose to work some days during the week as a casual teacher and access long service leave on the remaining days in the week, pending you have approval from your principal to do this. As you require a 2nd AGS number to work casually (obtained through [application](#)), you also need permission from the Directorate to work a 'second job' while you are employed under your permanent AGS (application form).

We recommend that you engage with your manager/principal and HR in the first instance if you have any intention of working during a period of long service leave.

Can I cash out my long service leave?

Yes, you are entitled to cash out any accrued long service leave entitlement. The minimum amount that can be cashed out is a week (7 days). Likewise, you may also take long service leave at double pay for periods of more than a week (7 days). The effect of doing this is that it allows you to take 1 week of leave, but receive the equivalent of 2 weeks' pay. This would reduce your accrued balance by 2 weeks.

I'm wanting to a significant period off work, but I don't have enough long service leave. Are there any options available?

Firstly, long service leave can be supplemented by other forms of leave you might have available. For instance, if you have accrued annual leave you are entitled to use that. Secondly, long service leave can be taken at half pay. Lastly, a period of long service leave can be supplemented with approved leave without pay.