



QUICK REFERENCE GUIDE (QRG)

LONG SERVICE LEAVE

PROFESSIONAL & ACADEMIC STAFF

OVERVIEW OF THE SECTION

CLAUSE REFERENCES:

WESTERN SYDNEY UNIVERSITY ACADEMIC STAFF AGREEMENT 2022

Long Service Leave (Clause 30)

WESTERN SYDNEY UNIVERSITY PROFESSIONAL STAFF AGREEMENT 2022

Long Service Leave (Clause 38)

BRIEF DESCRIPTION:

The Long Service Leave (LSL) clause in the Agreements provides entitlements for ongoing and fixed term Professional and Academic employees, while casual employees are entitled to LSL in accordance with the *Long Service Leave Act 1955* (NSW). Full-time employees accrue 3 months of LSL after 10 years of continuous service, and may choose to take the leave at half-pay. Part-time employees accrue LSL on a pro rata basis. The University may direct an employee to take their accrued excess LSL when it reaches a certain balance. In specified circumstances, pro-rata entitlements are available where employment ceases after 5 years of continuous service. The University may recognise prior service at other Australian higher education institutions that recognise transferability of LSL credits.

INTERPRETATION AND APPLICATION

ELIGIBILITY

1. **Casual Employees:** Eligible for LSL according to the **Long Service Leave Act 1955** (NSW).
2. **Full-time/Part-time Professional and Academic Employees:** Eligible after **10 years of continuous service** (defined as service with the University without a break of more than 8 weeks on any one occasion. An employee's prior casual service may also be recognised for LSL purposes in certain circumstances).

ENTITLEMENT

After 10 years of continuous service full-time employees are entitled to **3 months' leave** at their **Base Rate of Pay**.

Further accrual:

- **10-15 years:** Accrue **1.5 months' leave** per additional **5 years**.
- **15+ years:** Accrue **2.5 months' leave** per additional **5 years**.

Note: **Pro rata accrual** for employees who have held part-time appointments will be based on their work fraction.

TAKING LONG SERVICE LEAVE

- Employees may take LSL at **half pay**.
- Employees who are entitled to LSL may apply to take all or part of their leave at a time of their choosing, subject to meeting notice requirements.
- **Notice Requirement:** Employees must give **6 months' written notice** to the University when planning to take part or all of their LSL. The University may accept a shorter notice period.
- **Special Teaching Considerations:** Employees with teaching responsibilities may have their leave request declined if it disrupts teaching over **two consecutive semesters**.

TERMINATION OF EMPLOYMENT

Employees with at least **5 years but less than 10 years of continuous service** will be entitled to receive a **proportionate payment in lieu of LSL** if:

- The University terminates their employment for reasons other than serious misconduct;
- They leave their employment due to **illness, incapacity, or domestic necessity**;
- They die; or
- They are a fixed term employee, and their second or subsequent contract concludes.

If an employee has accrued LSL but their employment ends before they take the leave, they will receive payment in lieu based on their salary at the end of their employment.

If an employee dies, payment is made to the employee's **personal legal representative or estate**.

RECOGNITION OF PRIOR LONG SERVICE LEAVE

Previous service with other Australian higher education institutions that recognise transferability of LSL credits or University entities in which Western Sydney University has more than a 50% controlled interest, may count towards LSL eligibility, provided that:

- the gap between leaving the previous employer and starting at the University is **8 weeks or less**, but this period does not count towards service length;
- if the employee took LSL with their previous employer, that time does not count towards accruing LSL at the University, but it will count when determining eligibility for LSL and accrual rates;
- if the employee has been paid or is eligible for payment in lieu of LSL by their previous employer, that time will count when determining eligibility for LSL and accrual rates but not for LSL accrual at the University; and
- employees must serve **at least 5 years** with the University before becoming eligible for LSL, except in cases of death, retirement, ill health benefits, redundancy, or retrenchment.

PRIOR CASUAL SERVICE RECOGNITION

An ongoing or fixed term employee's prior casual service with the University will be recognised for LSL purposes if the service was:

- Regular and systematic;
- For **at least 12 months** with no break of more than **16 weeks**; and
- Immediately in conjunction with their ongoing/fixed-term employment.

LEAVE WITHOUT PAY AND SERVICE CALCULATION

Leave without pay (including unpaid parental leave) will not count as service except that:

- After an employee has completed 10 or more years of continuous service, leave without pay of **up to 6 months** will count as service, however, if the employee takes more than 6 months of leave without pay, then the whole period will not count as service; and
- Leave without pay taken to serve in the **Australian Defence Force Reserves** will also count as service.

MEDICAL RE-CREDITING

If an employee on LSL is ill or injured for 1 week or more and they provide a satisfactory medical certificate, the relevant period of LSL will be re-credited and replaced with the employee's accrued sick leave.

DIRECTION TO TAKE LONG SERVICE LEAVE

Employees with more than **4.5 months of accrued LSL** can be directed to take up to **3 months' leave**. Conditions include:

- The University must give the employee **12 months' written notice** of the date the leave must start;
- An employee cannot be forced to take LSL within **24 months before** their intended retirement date provided in writing;
- The **minimum leave period** an employee can be directed to take is **6 weeks**;
- The University cannot issue the employee with a further direction to take LSL for **2 years** after taking the directed leave; and
- An employee with firm plans to take LSL on a specific date (provided in writing) can request that the direction be deferred.

This requirement will be applied to part-time employees on a pro rata basis.

FREQUENTLY ASKED QUESTIONS

QUESTION	ANSWER
How long do I need to work at the University to be eligible for LSL?	Employees are eligible for LSL after completing 10 years of continuous service with the University.
Can I take LSL at half pay?	Yes, employees may elect to take LSL at half pay, effectively doubling the duration of their leave.
What happens to my accrued LSL if I leave the University before taking it?	If an employee has accrued LSL but their employment ends before they take the leave, they will receive payment in lieu of the leave based on their salary at the end of their employment.
Is prior service with other universities or Western Sydney University entities considered for LSL purposes?	Subject to certain conditions (including that any break between employers must be 8 weeks or less), the University may recognise prior service with other Australian higher education institutions that recognise transferability of LSL credits, as well as service with any University entity in which the University has more than a 50 % controlled interest.
Will taking leave without pay affect my LSL entitlement?	Leave without pay generally does not count as service for LSL purposes, however after an employee has completed 10 or more years of continuous service, periods of leave without pay of up to 6 months will count as service.

	Leave without pay for service in the Australian Defence Force Reserves will count as service for LSL purposes. Leave without pay (for period of under 6 months before completing 10 years of service) will not break service but push back the entitlement date by the period of the unpaid leave.
How do I apply for LSL?	Applications to take LSL on full pay should be submitted through your StaffOnline portal. If you wish to take the leave at half pay then you will need to submit a WesternNow ticket using the 'Request Leave' form. Please note: All LSL requests require two levels of approval—first from your direct supervisor, and then from the Category 6 delegate.
Can the University direct me to take LSL?	Yes, the University can direct a full-time employee with more than 4.5 months of accrued LSL to take up to 3 months of leave by providing at least 12 months' written notice. An employee cannot be directed to take LSL within 24 months before their intended retirement date. An employee with firm plans to take LSL on a specific date can request that the University defer its direction to take leave.
What happens if I fall ill while on LSL?	If an employee who is eligible for paid sick leave produces a satisfactory medical certificate for an illness (or injury) lasting a week or more during their LSL, they will be re-credited with an equivalent period of LSL and sick leave will be booked for the relevant period instead.
What happens if I have taken periods of leave without pay prior to being employed at the University and/or a recognised Australian higher education institute for less than 10 years?	Periods of leave without pay before reaching 10 years of service will not contribute to the Long Service Leave calculation and will therefore push your long service leave eligibility requirement further out.

EXAMPLES

EXAMPLE 1: PRO RATA LONG SERVICE LEAVE

Sarah has worked at the University for 6 years and her position is made redundant. During her tenure, she has been a part-time employee. Sarah is entitled to a pro-rata amount of LSL because she has completed more than 5 years of continuous service, and her employment was ended by the University. She will receive payment in lieu based on the formula provided in the Long Service Leave clause (38.6 PSA/30.6 ASA).

EXAMPLE 2: PRIOR SERVICE RECOGNITION

Mark previously worked at another Australian university for 7 years before joining Western Sydney University. There was a break of 6 weeks between his employment at the two institutions. Mark's prior service will count toward his LSL entitlement as the break was for less than 8 weeks. However, WSU will not provide him with LSL for any period of LSL he took with his previous employer, nor will the 6 week break between employment count as service. Additionally, Mark will not be entitled to take LSL at WSU until he has served at least five years of continuous service with the university.

EXAMPLE 3: TERMINATION BEFORE TAKING LEAVE

Emma has accrued 3 months of LSL but leaves the University after 12 years of service without taking her leave. Emma will receive payment in lieu of her accrued LSL based on her salary at the time her employment ceases.

EXAMPLE 4: LEAVE WITHOUT PAY

Laura has taken 4 months of leave without pay during her 12th year of service. Since her leave without pay was less than 6 months and she has worked at the University for over 10 years, it will count towards her Long Service Leave eligibility, allowing her to retain her accrued leave.

EXAMPLE 5: PRIOR CASUAL SERVICE RECOGNITION

Rachel worked as a casual employee at the University for 18 months before transitioning directly to a full-time ongoing position with no gap in service. During her casual employment, Rachel worked on a regular and systematic basis, with no break longer than 16 weeks. Rachel's 18 months of casual service will be recognised as part of her continuous service for calculating her LSL entitlements. This period will count toward her eligibility and rate of accrual, providing her with a head start in reaching the required continuous service duration for LSL.

INFORMATION IN THIS GUIDE IS A SUMMARY ONLY

This document provides a general summary to assist staff understand the rights and processes related to this entitlement. To avoid doubt, this document:

- does not contain a complete account of the rights, entitlements, conditions, or obligations that may be available;
- does not replace or override the terms of the relevant enterprise agreement or under legislation, or the Western Sydney University's policies or procedures; or
- does not constitute legal or financial advice.

FURTHER INFORMATION

For further details on Long Service Leave, please refer to the relevant Professional/Academic [Enterprise Agreement](#).

KEY CONTACTS FOR FURTHER ADVICE

If you have any questions or would like to discuss your Casual Pay Rate options, please contact the People Services Team (previously known as the HR Operations Team) or the Workplace Relations Team.