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Information for CPSU Members about the Victorian Public Service Agreement 2006

## LONG SERVICE LEAVE

An Employee is entitled to the equivalent of three (3) months long service leave with pay for each period of ten years of continuous service in the Victorian Public Service. An Employee may access this entitlement, on a pro-rata basis, after an initial 7 years of continuous service.

### Relevant VPSA 2006 Clauses: - Cl. 49 – LONG SERVICE LEAVE,

- 49.1 Basic Entitlement - An Employee is entitled to the equivalent of three months long service leave with pay for each period of ten years of continuous service in the Victorian Public Service.
- 49.2 Pro-rata access - An Employee may access this entitlement, on a pro-rata basis, after an initial 7 years of continuous service.
- 49.3 Holidays during Leave - Where a public holiday occurs during a period of long service leave granted to an Employee, the public holiday is not to be regarded as part of the long service leave and the Employer will grant the Employee a day off in lieu.
- 49.4 Eligible Period of Service
- 49.4.1 In clause 49.4 "eligible period of service" in relation to an Employee means the period of continuous service between four years and seven years.
- 49.4.2 An Employee is entitled, or in the case of death is deemed to have been entitled, to an amount of long service leave with pay equalling one-fortieth of the Employee's eligible period of service in the Victorian Public Service if:
- 49.4.2(a) on account of age or ill health:
- 49.4.2(a) (i) the Employee retires or is retired; or
- 49.4.2(a) (ii) the employment of the Employee is terminated; or
- 49.4.2(b) the employment of the Employee is terminated for any other reason except for serious misconduct or resignation by the Employee; or
- 49.4.2(c) the Employee dies.
- 49.5 Period of Leave - The Employer may allow an Employee who is entitled to long service leave to take the whole or any part of that leave at half pay for a period equal to twice the period to which the Employee would otherwise be entitled.
- 49.6 Time of Taking Leave - The Employer may determine the time for granting long service leave so that the Employer's operations will not be unduly affected by the granting of long service leave to numbers of Employees at or about the same time.
- 49.7 Recognised Service
- 49.7.1 In clause 49.7.2 an "authority" means an authority, whether incorporated or not, that is constituted by or under a law of a State, the Commonwealth or a Territory of Australia for a public purpose.
- 49.7.2 Subject to clause 49.7.3 the following will be recognised as service in the Victorian Public Service for the purposes of long service leave ("Recognised Service"):
- 49.7.2(a) any service with a State or Commonwealth Government Department; or
- 49.7.2(b) any service with an authority of a State or Commonwealth Government Department; or
- 49.7.2(c) any service in the Public Service, the Teaching Service or in an authority of a Territory of Australia; or
- 49.7.2(d) any service with a local governing body that is established by or under a law of a State; or
- 49.7.2(e) any service with a body set up by legislation primarily and exclusively to achieve a Government purpose and upon which Government has substantial control or influence beyond the usual level of scrutiny of Government funded bodies.
- (provided that such service is only recognised if the body described above recognises for long service leave purposes service with the Victorian Public Service)

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# One Service — One Agreement

- 49.7.3 Service for the purpose of long service leave does not include any period of service:
- 49.7.3(a) which preceded a continuous gap in approved Recognised Service of greater than 12 months other than:
    - 49.7.3(a)(i) an absence of 3 years or less in the nature of retirement occasioned by disability; or
    - 49.7.3(a)(ii) an absence of 2 years or less which in the opinion of the Employer was caused by special circumstances; or
  - 49.7.3(b) during any absence from duty on maternity, paternity/partner or adoption leave without pay; or
  - 49.7.3(c) except to the extent (if any) authorised by the Employer, during any other absence on leave without pay; or
  - 49.7.3(d) during any absence from duty when the Employee was in receipt of weekly payments of compensation under the Accident Compensation Act 1985 or any corresponding previous enactment, other than the first 12 months of that period; or
  - 49.7.3(e) which followed the date on which a pension under the State Superannuation Act 1988 (or similar provision applying to persons on the staff of a declared authority) became payable by reason of retirement on the ground of disability, other than a period not exceeding 12 months during which a pension under section 83(3) of that Act (or similar provision applying to persons on the staff of a declared authority) was paid; or
  - 49.7.3(f) from which the Employee was dismissed for disciplinary reasons; or
  - 49.7.3(g) which preceded the resignation of the Employee from the public service or the termination of the Employee's employment in the public service if on that resignation or termination the Employee received a sum characterised as a voluntary departure incentive or a targeted separation payment that was additional to his or her entitlements under any Act or agreement.
- 49.8 Payment for Leave
- 49.8.1 The pay to which an Employee is entitled for the period during which long service leave is granted shall:
- 49.8.1(a) if the leave is granted with full pay - be computed in the same manner as if the Employee had remained on duty during that period; or
  - 49.8.1(b) if the leave is granted at half pay - be computed at half the rate the Employee would have received had the leave been granted with full pay.
- 49.8.2 In computing the pay of an Employee for or in lieu of long service leave, that pay includes:
- 49.8.2(a) if the Employee is receiving salary maintenance, that salary maintenance; and
  - 49.8.2(b) any additional payment payable for a temporary assignment where the assignment has continued for a period of at least 12 months before the commencement of the leave; and
  - 49.8.2(c) any annual allowance payable to the Employee which the Employer determines should be included, but does not include:
    - 49.8.2(c)(i) any payment of overtime, commuted overtime or penalty rates; or
    - 49.8.2(c)(ii) any travelling or transport allowance; or
    - 49.8.2(c)(iii) any allowance in the nature of reimbursement of expenditure.
- 49.9 An Employee who has a right to accrued long service leave and who has not taken that leave may, with the approval of the Employer, be paid in lieu of that leave or any part of that leave, the money value of the leave or part of the leave, as the case may be.
- 49.10 Nothing in this clause 49 entitles an Employee to long service leave (or payment for long service leave) in respect of a period of service for which the Employee was entitled to receive long service leave (or payment for long service leave) from an Employer other than the Employer or for which the Employee has received long service leave (or a payment in respect of long service leave) from any Employer.