32.0 LONG SERVICE LEAVE

(a) An employee (other than a casual employee) will be eligible for long service leave as follows:

(i) After ten years service (whether continuous or broken) to three months leave on full pay or six months leave on half pay.

(ii) After fifteen years service (whether continuous or broken) to four months and fifteen days leave on full pay or nine months leave on half pay.

(iii) For service between ten years and fifteen years (whether continuous or broken) leave will accrue proportionately on the basis of subclause 32.0(a)(i) above.

(iv) For service in excess of fifteen years (whether continuous or broken), leave additional to that prescribed in subclause 32.0(a)(ii), pro-rata at a rate of two months and fifteen days on full pay or five months on half pay, for each completed five years of service.

(v) Where an employee has completed at least five years continuous service, but less than ten years continuous service, and his/her services are terminated by the University for any reason other than for serious and wilful misconduct, or by the employee on account of illness, incapacity, or domestic or other pressing necessity, or by reason of the death of the employee, such employee will be entitled to a proportionate amount of long service leave on the basis of three months for fifteen years service. For the purposes of the application of this provision, it will be interpreted in the same manner as the similar provision in the New South Wales Long Service Leave Act, 1955, as amended.

(b) A casual employee will be eligible for long service leave as provided for in the New South Wales Long Service Leave Act, 1955, as amended.

(c) If an employee has an entitlement to long service leave under subclause 32.0(a)(i)-(iv) above, but prior to entering upon such leave has his/her employment terminated by dismissal or by notice duly given by either party, he/she will be entitled to receive the monetary value of the leave at credit computed at the rate of salary which such employee was receiving immediately prior to the termination of employment.

(d) In the event of the death of any employee, the monetary value of all long service leave for which the employee was eligible at the time of death will be paid to his/her legal personal representative unless paid by the University to the employee’s widow or widower or to the guardian of the infant children of the employee.

(e) For the purpose of calculating service in respect of subclause 32.0(a)

(i) Any periods of leave without pay will not count as service when determining whether an employee has completed ten years service.

(ii) Any periods of leave without pay prior to completing ten years service will not count as service for the purposes of long service leave.

(iii) Any period of leave without pay not exceeding six months will count for long service leave purposes where an employee has completed ten or more years service but where such period of leave without pay exceeds six months, the whole period of leave without pay will not count as service.

(iv) Where an employee is granted leave for service in the Australian Defence Forces, such service will be counted as ordinary service in computing long service leave.

(f) For persons entering employment with the University on or after 1 January 1974, eligibility for long service leave will be determined taking into account prior continuous full-time and part-time paid service with other Australian universities which grant transferability of service with Australian universities for long service leave to employees provided that:
(i) Prior continuous full-time paid service with another or other Australian university/universities prior to 1 January 1969, will not be taken into account when determining eligibility for long service leave;

(ii) Where an employee has availed himself or herself of long service leave or is eligible to be paid or has been paid in lieu of long service leave by the releasing university, he/she will not accrue any entitlement to leave for the period of service with the releasing university for which leave has been paid or for which there is eligibility for payment, but subject to these conditions such a period will be included as qualifying service for determining when he/she is eligible to take long service leave under this Agreement;

(iii) Where there is not more than two months between the cessation of employment with a releasing university and the commencement of employment with a receiving university, continuity of service will be deemed not to have been broken for the purposes of long service leave, however the period between the two contracts of employment will not be taken into account in determining length of service for long service leave;

(iv) The employee will be required to serve at least five years with the University before being permitted to take accrued long service leave or be paid in lieu on termination of employment, except that in eligible cases, payment in lieu of such leave will be made when an employee:

(aa) dies;
(ab) retires on or after 60 years of age or such other age as the retirement provisions of the NSW Superannuation Act may provide; or
(ac) receives an invalid or breakdown pension under the provisions of the NSW Superannuation Act.

(v) These conditions will not apply to persons accepting short-term appointments at the receiving University. However when a person is given an appointment which is not short-term full recognition for all prior continuous service will be given in accordance with these conditions.

(g) An employee with continuous casual service with the University will have continuous casual service from 9 May 1985 recognised for long service leave purposes in accordance with the provisions of the New South Wales Long Service Leave Act 1955, as amended.

(h) Where more favourable long service leave provisions have been extended to employees, prior to the making of this Agreement, such employees employed at the date of the making of this Agreement will not be disadvantaged in relation to long service leave entitlements, because of the making of this Agreement for any periods of service prior to the making of this Agreement.

(i) The University may from time to time agree that certain periods of leave without pay taken after 1 July 1971 may count as service.

(j) **Cashing out Long Service Leave**

An employee who has a long service leave accrual in excess of 3 months may apply to convert that amount in excess of three months to a monetary equivalent of long service leave. This subclause will override any provision of the New South Wales Long Service Act 1955 which is inconsistent with this clause.