

# Extract from Annual Leave, Long Service Leave, Purchased Leave and Extended Purchased Leave policy

## Accrual of LSL

LSL accrues at the rate of 0.3 of a month, or 9 calendar days per year. That means that a full time employee will have accrued three months' LSL at the end of ten years' service. Ten years is the 'qualifying period', after which an employee is eligible to access LSL.

An employee's LSL accrual will be affected where they take an aggregate period of more than 30 calendar days leave without pay not to count as service and/or one days unauthorised absence (i.e. where an employee is absent from the workplace without approval) during an accrual period. The next accrual date for the purposes of accessing LSL will be deferred by the aggregate period of leave without pay not to count as service and/or unauthorised absence.

LSL will accrue when an employee is on purchased leave, but will not accrue during periods of extended purchased leave.

Part time employees accrue LSL in the same manner as full time employees, but receive part time rates of pay when taking LSL. If an employee has periods of full time and part time service, separate full time and part time LSL credits are apportioned.

LSL is measured in completed months and calendar days, not working days.

LSL is portable between APS agencies and other employers covered by the *Long Service Leave (Commonwealth Employees) Act 1976*.

## Applying for LSL

Approval for LSL will be subject to mutual agreement between an employee and the delegate. If the delegate decides that they cannot approve a period of LSL, they should advise the employee of the reasons for the decision in writing. If agreement on acceptable dates can't be reached, the delegate, the employee and a support person, if requested will meet to consider alternative arrangements.

Eligible employees can apply for periods of LSL using SAP/ESS. Absences must be taken for a minimum of seven consecutive calendar days at full-pay or 14 consecutive days at half pay.

Unlike the conditions for other types of paid leave, LSL accrues in calendar days and is therefore deducted in calendar days. This means that weekends and public holidays occurring during a period of LSL are included in the total period of LSL being taken and deducted from the employee's long service leave balance.

## Example:

If an employee were to take LSL over the period 1 December to 15 January, the public holidays in the Christmas and New Year's period and every weekend would be counted as LSL.

Periods of LSL cannot be broken by other forms of paid leave except as provided for by the *Maternity Leave (Commonwealth Employees) Act 1973*, noting that this ability to break periods of LSL during unpaid maternity leave cannot be used in such a manner as to provide the employee access to a greater LSL entitlement than is provided for under the LSL Act (e.g. applying for multiple periods of LSL for weekdays only), and the personal/carers leave provisions of the EA. (e.g. annual leave may be taken before and/or after LSL, but not during LSL). Similarly, separate periods of LSL, broken only by weekends or public holidays will not be approved.

## Example:

Malcolm has three months accrued LSL and 20 days accrued annual leave. He would like to take four months leave to travel overseas. Malcolm could take 10 days annual leave, then three months LSL followed by 10 days annual leave. Alternatively he could take 20 days annual leave before or after the period of LSL. There is no requirement for an employee to use their LSL, nor is there any limit to the amount of LSL that can accrue.

## Payment in lieu

LSL cannot be cashed out while the employee remains in employment with the department. However, an employee will receive payment in lieu of any unused LSL credits where:

1. after at least 10 years of eligible service they leave the APS for any reason; or
2. after at least one year of eligible service they leave the APS due to:
  - retirement or resignation after the minimum APS retirement age of 55 years, or
  - retrenchment, or
  - cessation of employment due to ill-health, or
  - death (payment in lieu will be made to the employee's estate in the event of their death).

## Recognition of prior service for LSL

Recognition of prior service means that periods of employment performed previous to joining the department may be recognised for LSL purposes.

Employees may apply to have prior service with Commonwealth employers recognised for LSL purposes, including entities otherwise specified in the *Long Service Leave (Commonwealth Employees) Regulations 2016*, provided any breaks between periods of eligible service do not exceed 12 months.

The onus is on employees to obtain all information required to support their claims from prior employers by sending them a [Prior Service Recognition letter](#) with the [Prior Service Details – Long Service Leave and Personal Leave form](#) attached to complete.

Other leave while on LSL may be re-credited and alternate appropriate leave debited, when an employee:

- becomes ill or injured for one day or more during a period of LSL and satisfactory evidence is provided; or
- needs to care for one day or more for an ill or injured member of their immediate family/household and satisfactory evidence is provided
- requires leave for bereavement or compassionate purposes during a period of LSL and evidence is provided; or
- undertakes a recognised community service activity and accesses community service leave, with appropriate evidence provided; or
- becomes unfit for duty due to an injury or disease that has been determined under appropriate legislation to be war-caused, with appropriate evidence provided.

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