Human Resources Policy

Long service leave

Policy Number: C38 (QH-POL-163)
Publication date: July 2014
Purpose: To outline long service leave entitlements for Queensland Health employees.
Application: This policy applies to Queensland Health employees, excluding Visiting Medical Officers, working for:
- the Department of Health
- non-prescribed Hospital and Health Services
- prescribed Hospital and Health Services.
Delegation: The ‘delegate’ is as listed in the Department of Health Human Resource (HR) Delegations Manual and the Hospital and Health Services Human Resource (HR) Delegations Manual – HRM Functions of the Director-General, as amended from time to time.

Legislative or other authority:
- Industrial Relations Act 1999
- Succession Act 1981
- Directive 10/13 – Recreation and Long Service Leave
- Directive 10/10 – Recognition of Previous Service and Employment
- Health Practitioners (Queensland Health) Certified Agreement (No. 2) 2011
- Nurses and Midwives (Queensland Health) Certified Agreement (EB8) 2012
- Queensland Public Health Sector Certified Agreement (No. 8) 2011 (EB8)
- Queensland Health Building, Engineering and Maintenance Services Certified Agreement No 5
- District Health Services Employees Award – State 2012
- District Health Services - Senior Medical Officers’ and Resident Medical Officers’ Award - State 2012
- Medical Superintendents with the Right of Private Practice and Medical Officers with Right of Private Practice - Queensland Public Hospitals Award - State 2012
- Queensland Health Nurses and Midwives Award – State 2012
- Queensland Public Service Award – State 2012

Related policy or documents:
- Annual/Recreation Leave HR Policy C51 (QH-POL-100)
- Employee Complaints HR Policy E12 (QH-POL-140)
- Purchased Leave HR Policy C21 (QH-POL-203)
- Separation of Employment HR Policy H1 (QH-POL-227)
- Sick Leave HR Policy C64 (QH-POL-230)
Policy subject:

1 Application
   1.1 Fellowship/scholarship holders
   1.2 Registrars – vocational training programs
   1.3 Casual employees
   1.4 Cash equivalence of pro-rata long service leave
   1.5 Minimum access periods
      1.5.1 Salary increments

2 Voluntary reversion to a lower classification

3 Termination payment
   3.1 Cash equivalent

History:
1 Application

Queensland Health employees may apply for long service leave upon completion of seven years continuous service. Long service leave may be accessed on a half pay basis for a minimum period of one week. This is an extension of an existing condition of service and therefore, unless otherwise stated, the same conditions that apply to long service leave on full pay apply to long service leave on half pay.

Employee entitlements to long service leave are outlined in the relevant industrial award and/or enterprise agreement. Additional information is provided as follows:

1.1 Fellowship/scholarship holders

Fellowship/scholarship holders accrue long service leave at public service rates and conditions for the duration of their bonded period with Queensland Health. Portability of these entitlements is available dependent on circumstances.

Upon completion of the bonded period, continuing employment entitlements revert to award provisions.

1.2 Registrars – vocational training programs

Registrars may be involved in vocational training programs that require rotation to regional centres and/or to facilities outside of Queensland Health. Vocational training programs are programs which have been approved by the Director of Queensland Medical Education and Training and supported by Queensland Health.

Registrars returning to a Queensland Health facility after a rotation outside Queensland Health are entitled to recognition of their previous service for long service leave accumulation purposes in accordance with Public Service Commission Directive 10/10 Recognition of Previous Service and Employment. Recognition of previous service only applies to service from an employer that is recognised under Directive 10/10 and where the break in service has been 12 months or less.

1.3 Casual employees

Casual employee entitlements to long service leave are as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Entitlement</th>
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<tbody>
<tr>
<td>From 30 March 1994 onwards</td>
<td>Service counts provided there is no break between casual engagements of more than three months</td>
</tr>
<tr>
<td>From 23 June 1990 to 30 March 1994</td>
<td>Service counts provided at least 32 hours are worked every four weeks</td>
</tr>
<tr>
<td>Prior to 23 June 1990</td>
<td>No entitlement - service does not count (note exception for casual nurses)</td>
</tr>
</tbody>
</table>

Casual employees employed prior to 1 June 1984 were entitled to accrue long service leave for service prior to 1 June 1984.

Casual nurses or midwives employed on or after 1 June 1984 are not entitled to accrue long service leave during the period 1 June 1984 to 22 June 1990.
Refer Annual/Recreation Leave HR Policy C51 concerning action to be taken when an employee changes employment status from casual to permanent.

1.4  Cash equivalence of pro rata long service leave

From 1 December 2000, an entitlement was provided for the payment of the cash equivalent of pro rata long service leave after seven years of service, when the separation is not for the purposes of career enhancement or dismissal.

Career enhancement (including self employment) is when there is advancement in rank or position, usually resulting in an increase in pay in line with an increase in responsibility and/or degree of difficulty in allocated tasks.

The payment of pro rata long service leave after at least seven years service is to be made subject to the employee completing the necessary undertaking concerning their eligibility (contained in the termination/transfer advice form).

1.5  Minimum access periods

Long service leave may be accessed on a half pay basis as follows:

- For leave on full pay – at any one time is one day, or one rostered shift
- For leave on half pay – at any one time is one week.

1.5.1  Salary increments

Employees who are full-time at the time of taking long service leave will have such leave recognised as full-time equivalent service towards the next salary increment, even if the long service leave is taken at half pay. The relevant proportional rate is to apply for employees working part-time.

2  Voluntary reversion to a lower classification

When an employee voluntarily reverts to a lower classification, the employee is entitled to long service leave accrued as at the date of the reversion at the employee’s substantive classification and paypoint immediately preceding the reversion. At the time of taking the leave the employee is entitled to be paid at the rate of that previous higher substantive classification and paypoint.

An employee is not compelled to take accrued long service leave at the date of voluntary reversion to a lower classification.

Long service leave accrued after reversion to a lower classification is payable at the employee’s classification and paypoint at the time the leave is taken.

When an employee subsequently attains a substantive classification and paypoint higher than the substantive classification and paypoint immediately preceding reversion to a lower classification, all long service leave accrued is payable at the higher substantive classification and paypoint.

3  Termination payment

A person who ceases to be an employee, and who at the date of ceasing to be an employee has an entitlement to long service leave, is to receive a payment in lieu of long service leave not taken (refer section 1.4).
The calculation of the amount of the payment is to be based on:

- that entitlement
- either:
  - section 53 of the *Industrial Relations Act 1999*, which does not specify the rate at which a payment in lieu of long service leave at termination is to occur. The rate to use is set out in section 46 of the Act, as outlined below.
  
  “..if the employee is, immediately before taking the leave, being paid at a higher rate than the ordinary rate, the employer must pay the employee at the higher rate”. or
  
  - in cases when an employee has voluntarily reverted to a lower classification as part of their continuous service, the cash equivalent is based on the actual rates paid at the time of termination for both the higher level and lower level accrued balances.

If an employee resigns and is paid cash equivalent for long service leave and/or recreation leave, and is then re-employed during a period of cash equivalent, that person does not have to pay back the cash equivalent.

### 3.1 Cash equivalent

Cash equivalent on ceasing employment normally occurs at or after 10 calendar years continuous service. Payment can be made for lesser periods of continuous service in the following circumstances:

- upon retrenchment – one year
- upon ill health retirement – five years
- upon retirement within 10 years of attaining age 65 – five years
- upon death – five years
- after seven years of service (refer section 1.4).

**History:**

| July 2014 | • Policy formatted as part of the HR Policy Simplification project.  
• Policy amended to:  
  - re-title policy from ‘Long Service Leave - Entitlement, Conditions, Pay in Lieu, Cash Equivalent, Casuals, Home Helps, Part-time, Voluntary Reversion and Termination Payment’ to ‘Long service leave’  
  - update references and naming conventions  
  - reflect entitlements outlined in industrial awards and agreements to remove any duplication  
  - include provisions of Long Service Leave HR Policy C41  
  - include relevant long service leave related provisions from Annual/Recreation leave HR Policy C51  
  - remove provisions relating to the death of an employee which is available in the Separation of Employment HR Policy H1 |
<table>
<thead>
<tr>
<th>Date</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 2010</td>
<td>Amendments to section 7.3 and section 9 regarding the definition of continuous shift worker.</td>
</tr>
<tr>
<td>December 2009</td>
<td>Protected IRM 11.4-1 reformatted as part of the HR policy consolidation project in accordance with EB7. Minimum period of long service leave amended in line with public service provisions.</td>
</tr>
<tr>
<td>Previous</td>
<td>Long Service Leave HR Policy C41 (QH-POL-167)</td>
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<td>Annual/Recreation Leave C51 (QH-POL-100)</td>
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<tr>
<td></td>
<td>IRM 11.4-1 Leave – Long Service Leave – Entitlement, Conditions, Pay In Lieu, Cash Equivalent, Casuals, Home Helps, Part-Time, Voluntary Reversion and Termination Payment</td>
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