

Long Service Leave Guideline

What is it?

This resource will help you find answers to common questions about long service leave.

Who is this for?

All employees of RMIT University covered by the:

- *RMIT University Enterprise Agreement 2018 (University Agreement)*;
- *RMIT Vocational Education Workplace Agreement 2019 (VE Agreement)*;
- *RMIT University Children's Services Enterprise Agreement 2017 (Children's Services Agreement)*; and
- *Royal Melbourne Institute of Technology Senior Executive Staff Enterprise Agreement 2006 (SES Agreement)*.

Am I entitled to long service leave? How much?

If you are a continuing or fixed-term employee covered by the University Agreement, you will be entitled to 9.1 weeks of long service leave after seven year's continuous service. This is based on an entitlement of 1.3 weeks per annum.

If you are a continuing or fixed-term employee covered by the VE Agreement, Children's Services Agreement or SES Agreement, you will be entitled to 13 weeks of long service leave after ten year's continuous employment but can access this leave, on a pro-rata basis, after seven years' of continuous employment.

Long service leave:

- may be taken at double time and half pay;
- continues to accrue at a rate of 1.3 weeks per year; and
- will be pro-rated if you are a part-time employee.

If you are covered by the SES Agreement and your long service leave balance is 14 weeks or more, you can convert up to eight weeks into a salary payment, in addition to taking some long service leave.

If there is a public holiday during your long service leave, there will not be any deduction of a long service leave on that day.

What is continuous service for the purpose of long service leave accrual?

All of your service with RMIT will count except for:

- any time during which you are receiving a Temporary Incapacity Benefit from a superannuation fund (University Agreement covered employees only);

- any period of service after the date from which a pension is payable under the provisions of the Superannuation Act or of such other pension schemes where Employees retire on the grounds of age or ill health (Children's Services Agreement and SES Agreement covered employees only);
- any period of service for which an employee has an entitlement to, or received, payment in lieu from a previous employer, provided that such service will be recognised towards satisfying the requirement for 7 years' service before leave may be taken; and
- any period of service with any Victorian TAFE Institute or University, Victorian state primary school or state secondary college, the public service of Victoria, a public entity as defined by section 5 of the *Public Administration Act 2004* (Vic) or its successor or previous employer as agreed between you and RMIT at the time of your appointment, if the service preceded a break of more than 12 months' in your continuous employment (VE Agreement covered employees only).

Will my prior service with another employer count to my continuous service with RMIT?

If you are covered by the University Agreement or the Children's Services Agreement, you may be eligible to have prior service with other Australian universities, TAFEs, schools or other recognized employers recognised for the purpose of calculating your continuous service up to a total of ten years.

If you are covered by the VE Agreement:

- employment at any Victorian TAFE Institute or University, Victorian state primary school or state secondary college, the public service of Victoria, a public entity as defined by section 5 of the *Public Administration Act 2004* (Vic) or its successor or previous employer as agreed between you and RMIT at the time of your appointment recognised for the purpose of calculating your continuous service up to a total of ten years; and
- and you were employed on or after 30 August 1994, the maximum amount of service with a previous employer is ten years.

If you are covered by the University Agreement, SES Agreement or Children's Services Agreement and your prior service is recognised, RMIT may require you to complete three years of service with RMIT before you take your long service leave.

You must claim recognition of your prior service within six months of the date of your appointment. The details of how to make this claim will be in the letter of your appointment and RMIT will then confirm the amount of service which is recognised within 12 months of your appointment.

How do I go about taking long service leave?

You must provide at least six months' written notice of your request to take long service leave. RMIT will not unreasonably refuse the request.

If you provide less than six months' written notice of your request to take long service leave, your long service leave will be considered for approval by agreement between you and your manager.

It is not unreasonable for a request for long service leave to be refused where the timing of the leave will result in the disruption of teaching by the employee in more than one semester.

Can RMIT direct me to take my long service leave?

Yes, in limited circumstances.

If you are covered by the University Agreement, SES Agreement or Children's Services Agreement and have a long service leave balance of 4.5 months or more, RMIT may direct you in writing to take up to three months' long service leave commencing:

- in at least three months, unless you agree to take the leave sooner;
- within 12 months after the direction from RMIT, provided this is not within two years of your nominated date of retirement.

If RMIT gives you a direction to take long service leave, it will not give you a second direction within two years of the end of your period of long service leave.

Are casual employees entitled to long service leave?

If you are a casual employee who has had a regular and systematic pattern of working, which meets the criteria in the *Long Service Leave Act 2018 (Vic)*, you may also be entitled to access long service leave in accordance with that legislation.

Will my long service leave be paid to me if my employment is terminated?

Yes, if you have completed at least seven years' service you will be paid any accrued but untaken long service leave.

You will additionally be entitled to be paid any accrued but untaken long service leave after four years' service if you:

- are retrenched;
- retire on the grounds of age or ill health; or
- die.

More information

- Find your agreement or award here: [Enterprise Agreements and Bargaining](#)
- Apply for leave in Workday
- For further information or to log a ticket, contact [People Connect](#)

Document history

Version	Effective date	Authority	Author
1.0	16 October 2023	Leave and Public Holidays Policy	Policy and Workplace Relations