



Australian Government
**Australian Public Service
Commission**

Recognition of prior service

Participant Workbook

Prepared by HR Operations Training Program

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Comments and suggestions for continuous improvement of this program are encouraged and should be submitted via email to HRTraining@apsc.gov.au.

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1. Course overview

1.1 Purpose

This course will provide an in-depth view of recognition of prior service processes using applicable legislation, employment instruments, policies and guidelines.

1.2 Pre-requisites

It is expected that participants will have a basic understanding of the different leave types and of the arrangements provided in their own agency.

1.3 Target audience

This course is intended for human resources practitioners who will be processing requests for recognition of prior service.

1.4 Duration

This course is scheduled to be delivered over one day, typically from 9 am - 5 pm.

1.5 Acknowledgements

The Australian Public Service Commission would like to thank our colleagues in our Australian Public Service (APS) agencies for providing invaluable feedback on the structure and content of this training program.

1.6 Learning objectives

At the end of the course, participants will be able to:

- Identify the legislative provisions within the National Workplace Relations System that relate to recognition of prior service;
- Determine approved employers for recognition of prior service for various purposes; and
- Calculate accrual dates, taking into account recognised prior service.

1.7 Key resources required

This course will use the following reference material:

- *Long Service Leave (Commonwealth Employees) Act 1976*
 - *Long Service Leave (Commonwealth Employees) Regulations 1957*
 - *Maternity Leave (Commonwealth Employees) Act 1973*
 - *Maternity Leave (Commonwealth Employees) Regulations*
 - *Australian Public Service Act 1999*
 - *Agency enterprise agreements*
 - *Australian Public Service Bargaining Framework*
-

2. Overview of prior service

2.1 What is prior service?

Prior Service is a previous period (or periods) of employment with one or more employers as defined by relevant legislation and/or employment instrument/s.

Just because prior service is recognised for one purpose, eg. Long Service Leave (LSL), it does not mean that, by virtue of that recognition, it is automatically recognised (or recognisable) for other purposes, such as paid maternity leave, redundancy or personal/carer's leave (PCL).

It is important, therefore, to check all legislative requirements, enterprise agreement provisions and other employment instrument provisions. Note that terms of an employment instrument, such as an enterprise agreement, determination or contract **cannot** override those contained within legislation in relation to prior service recognition.


2.2 Why recognise prior service?

Australian Government policy is for the Australian Public Service Bargaining Framework (APSBF) to apply to enterprise agreements, determinations made under section 24(1) of the *Public Service Act 1999* (PS Act) and common law agreements. APS agencies are to apply the APSBF in regard to employees engaged under the PS Act and are also to ensure that workplace policies and practices are consistent with it.

Part 4 (4.3) Staffing Policy of the APSBF provides that enterprise agreements are to facilitate mobility (**within the APS**) and maintain a cohesive APS by retaining portability of accrued annual leave and PCL entitlements (however described) with future entitlements being those prevailing in the gaining agency.

Therefore, when employees transfer between APS agencies (ie. not resign from one agency and commence with another), credits are transferred as a matter of due course without a recognition process, providing there is no break in service. In accordance with most APS agency enterprise agreements, this portability also extends to ACT Government agencies and Parliamentary Departments (ie. leave credits are automatically transferred, providing there is no break in service. Further information is contained in the APSBF Supporting Guidance.

2.3 Who makes the request for recognition of prior service?

 The request for recognition of prior service is usually made by the employee and, in some agencies, the onus is on them to provide documentary evidence in support of the request. It is, however, important to note that there is no discretion, under the LSL Act, to not recognise prior service for LSL purposes. Therefore, it is up to the agency to ensure that, if there is eligible prior service, it is verified and attributed to the employee.

2.4 Who authorises or decides on the recognition of prior service?

The authority to decide and approve prior service rests with Agency Heads and their delegate/s. The delegate is the employee formally authorised by the Agency Head to approve the recognition of prior service.

2.5 QUICK QUIZ

1. In your own words, what is 'prior service'?

2. Why is it necessary?

3. Who has responsibility for the process?



4. Who decides / approves the recognition?

5. Can it be refused (explain your answer)?



3. Prior service for long service leave purposes

The legal authority for recognition of prior service for the purposes of LSL is the *Long Service Leave (Commonwealth Employees) Act 1976* (LSL Act) and the *Long Service Leave (Commonwealth Employees) Regulations 1957* (LSL Regs).

Note: Section 10 of the LSL Act defines Government Service and Section 11 of the LSL Act defines prior service employment. Prescribed authorities (for prior service) recognisable for LSL purposes are listed in Schedules 1A, 1 and 2 of the LSL Regs.

3.1 Key elements

The key elements for determining whether prior service is to be recognised for LSL purposes are:

- Government service;
- Eligible prior service; and
- Continuous service.

3.2 Government service

The meaning of Government service is defined by section 10 of the LSL Act. It includes employment in the Commonwealth under legislation or under a contract of service or apprenticeship.

The Act does not distinguish between ongoing and non-ongoing/casual employment. Full-time and part-time employment is only defined for the purposes of calculating credits.

Therefore, government service is subject to the provisions of the LSL Act regardless of employment type/status or hours of work. Note: casual employment is, for the purpose of calculations, considered part-time employment.

A person who is a public authority of the Commonwealth or is a member or deputy member of a public authority of the Commonwealth is also deemed to be employed in Government service (provided remuneration is **not** by way of fees, allowances or commission).

The Commissioner, a Deputy Commissioner of the Australian Federal Police (AFP) or an AFP employee is taken to be employed in Government Service.

APS agencies and public authorities bound by the LSL Act are required to recognise prior service with other agencies and authorities also bound by the LSL Act where the service is continuous.

Please note that section 10 of the LSL Act also excludes some employment that you might think is Government service, for example, Australian Defence Force, Judges, State / Territory Public Service or any person remunerated for that employment by way of fees, allowances or commission only. See further information about this under the section 'eligible prior service'.

3.3 Eligible prior service

Under sub-section 11(2) of the LSL Act, prior service is eligible for recognition where an employee was employed continuously in:

- any service of a State or an authority of a State;
- the public service or an authority of a Territory, including Papua New Guinea before independence;
- the teaching service of the ACT or the Northern Territory;
- other relevant service, defined as:
 - Australian Defence Force service;
 - employment under the Reserve Bank Act 1959 or the Commonwealth Banks Act 1959; or
 - service as a locally engaged employee (refer to sub-section 11(5) of the LSL Act); and/or
- other organisations prescribed under sub-section 7(2) of the LSL regulations.

spouse of AF employee on overseas post.

Employees in these organisations may be subject to their own LSL legislation (or scheme) and, on commencement with a LSL Act agency, LSL credits are not automatically carried across. Instead, any eligible prior service is treated as though it is the same as Commonwealth service and the LSL credit is calculated accordingly (that is at the same rate as LSL Act entitlements, not the rate that was accrued under the previous scheme).

Under sub-section 11(4) of the LSL Act, service in an honorary capacity, or service remunerated by way of fees, allowances or commissions only is not recognised as prior service.

3.4 Continuous service

Section 12 of the LSL Act defines continuous service to mean period/s of qualifying service that does not have any break in employment that **exceeds 12 months**. The period of any break, itself, is not considered as service. There is no discretion under the Act to extend the 12 month period. → 12mths + 1 day not eligible even if falls on weekend.

3.5 Breaks in service

A break in service is the period between two periods of eligible employment. This break in service does not count as service but, within the 12 month limit, will not break continuity of service. What this means is that, even though there have been breaks between periods of eligible employment, the periods of employment (not the breaks themselves) may be regarded as Government Service.

A Break in service can be the result of ceasing employment with one employer and not commencing with another on the very next working day.

Example 1	
7.12.98 to 7.12.12	Department of Defence
7.3.13	Commences in your agency
<i>Continuity is not broken for the purpose of the LSL Act even though the employee was unemployed between ceasing with the Department of Defence on 7.12.12 and commencing with your agency on 7.3.13. This is because the break between the two dates is 89 calendar days, well within the 12 month limit.</i>	
<i>Note: when counting the days between cessation and commencement, the first day you count is the day after the cessation date and the last day you count is the day before the commencement date. In the example above, day 1 would be 8.12.12 and day 89 is 6.3.13.</i>	

If an employee takes approved leave during a period of employment, this is **not** considered to be a 'break in service'. Continuity of service is not broken by periods of leave with pay, part pay or without pay. However, leave not to count as service, defers the accrual date of LSL.

In accordance with section 12 (3) of the LSL Act, LWOP (excepting for illness, defence service or to occupy an executive office) **does not** count as service for the purposes of LSL **unless**:

- an agency head or the person who granted the LWOP determined (otherwise than under this Act), either at the time of the grant or at a later time, that the period of absence be included in the person's period of service for the purpose of the granting of LSL; or
- the approving authority determines under this Act that the period of absence be included in the period of service for the purposes of this Act.

Example 2	
7.12.03 - continuing	Department of Foreign Affairs and Trade
7.3.06 – 9.3.08 - LWOP to study, travel and work throughout Asia	
<i>Continuity is not broken for the purpose of the LSL Act even though the employee was on LWOP that was not determined to count as service for two years from 2006 to 2008.</i>	
<i>The effect that this has, however, is that instead of being credited with LSL 10 years after commencement (scheduled for 7.12.13), the accrual date is deferred by the total number of calendar days of the LWOP (734 calendar days). The date of accrual will now be 11.12.15.</i>	



3.6 Re-engagement after invalidity retirement / ill health

Invalidity retirement

In accordance with subsection 12(7) of the LSL Act, an employee who is retired from Government Service due to invalidity, may be re-engaged in Commonwealth employment and maintain continuity of service subject to certain conditions. Provided they are re-engaged within 12 months of date of certification (preferably by a Government approved medical officer) that they are fit, specifically, for **Commonwealth** employment (as distinct from fitness for *any* employment), continuity is maintained.

Ill health

In accordance with sub-section 12(8) of the LSL Act, an employee who resigns from Government Service due to ill health, may be re-engaged in Commonwealth employment and maintain continuity of service subject to certain conditions. The criteria to be met are: the delegate must be satisfied that the employee's resignation was due to ill health and that the employee was unemployed, because of ill health, for a period immediately after ceasing employment; and the employee recommenced recognised employment within 12 months of ceasing the period of unemployment.

On recommencement, they are credited with any remaining leave balances (that were not paid out) that existed at the time of retirement.

Example 3	
7.3.99 to 7.6.10	Tasmanian Public Service
8.6.10 to 8.6.12	Unemployed due to ill health
9.6.12 to 6.3.13	Private employment
7.3.13	Commenced Australian Public Service Commission
<i>Continuity is not broken for the purpose of the LSL Act because the employee was unemployed because of ill health immediately after ceasing State employment, and recommenced in the APS within 12 months of ceasing to be unemployed.</i>	

3.7 Post Defence Force service vocational training scheme

In accordance with Sub-section 12(6) of the LSL Act, periods of full-time training under a post-Defence Force service vocational training scheme, for example, the Commonwealth Reconstruction Training Scheme (CRTS), Korea/Malaya Training Scheme and National Service Vocational Training Scheme.

Agencies should obtain confirmation from the Department of Veteran's Affairs that any period of training claimed by an employee was full-time training under a scheme of training provided by the Commonwealth for ex-service personnel.

Example 4	
1.2.68 to 1.2.70	National Service
2.2.70 to 2.6.70	Private employment
3.6.70 to 3.12.72	National Service Vocational Training Scheme
5.3.73	Department of the Treasury
<p><i>As the break in service between 1.2.70 and 5.3.73, excluding the period of full-time training under the National Service Vocational Training Scheme, does not exceed 12 months, continuity of service has been maintained.</i></p> <p><i>2.2.70 – 4.3.73 (break between ceasing National Service and commencing with Treasury) is 1126 calendar days.</i></p> <p><i>National Service Vocational Training period of service (915 calendar days) will need to be deducted from the total break:</i></p> <p><i>1126 (total break) – 915 (training) = 211 days which is under 12 months.</i></p>	

3.8 Concurrent service

Section 14 of the LSL Act refers to concurrent service.

If an employee takes LSL from an APS agency engages in public employment in another capacity, that employment does *not* count as service for LSL purposes (to the extent that it is concurrent with Commonwealth employment).

For example:

An employee is on LSL from the Department of Climate Change for 6 months is engaged, on a 6 month non-ongoing contract, with the Bureau of Meteorology to work on a project, because it is in the interest of the Service.

Because the LSL, itself, counts as service, the non-ongoing Bureau of Meteorology employment would not be counted as service also as this would mean the same period was counted twice.

Any service in a part-time capacity, which is concurrent with service in a full-time capacity, is *not* counted for LSL purposes.

Where an employee has part-time service with a public employer *and, at the same time*, has part-time service with *another* public employer, the weekly hours are aggregated for the purpose of any calculations under the LSL Act involving average weekly hours. Where there are concurrent periods of part-time hours that result in more hours being worked than a full-time week, the combined service is regarded as equating to a full-time week, that is, *no more than the ordinary full-time weekly hours may be counted as service for LSL purposes.*

3.9 Payment in lieu of LSL

If an employee took LSL, or was paid in lieu, in their eligible prior employment, they are still able to have that service recognised for qualifying service under the LSL Act, but their credits are to be adjusted accordingly. Note that some employment eligible for recognition of prior service may have attracted a salary loading in lieu of LSL. This is treated as payment in lieu for the purposes of the LSL Act.

The LSL Act does not allow employees with recognised prior service to buy back any LSL taken or paid in lieu.

Example 5	
7.1.03 – 6.1.13	Macquarie University (Item 6, Sch 1 LSL Regs) Casual loading paid
7.1.13	Commenced ComSuper (ongoing full time)
<i>The employee has completed 10 years' eligible service.</i> <i>A loading of 30% was paid by Macquarie University in lieu of all leave.</i> <i>On commencement with ComSuper, there will be no LSL credit as all credits are assumed to have been taken by virtue of the payment in lieu.</i> <i>Credits will be yearly (6 January each year) with 0.3 of a month to be credited on 6 January 2014.</i>	

3.10 Prior service that results in a 'negative credit'

If a payment in lieu of LSL is made to an employee under State or Territory legislation, this must then be accounted for in any calculation of long service leave credits on commencement in the APS.

Some state and territory schemes are more generous than the LSL Act and, in some of these circumstances, the calculation results in a negative. I.e. they have accrued LSL earlier, or have accrued a greater quantity, than they would have under the Commonwealth Scheme. When the calculation is done under the LSL Act provisions, the resulting credit may be less than they have been paid in lieu for.

If this occurs, it does not mean that the employee 'goes into the red or has a negative credit'. The employee will have a zero balance, i.e. the negative is automatically waived and they are not liable for any debt to the Commonwealth.

THE LSL ACT DOES NOT PROVIDE FOR, OR CONTEMPLATE, THE CONCEPT OF A NEGATIVE CREDIT

But may not accrue positive until negative has been negated.

3-3 accrued
4 given + taken
won't accrue + until -7 has been accrued.

3.11 Establishing a LSL credit

All recognised periods of prior service are to be treated as if accrued with the gaining agency. That is, at the rate applicable in the LSL Act. Periods of eligible service are aggregated in order to determine the LSL entitlement. Any LSL taken with previous employers is then deducted from the entitlement calculated. Payments in lieu of LSL on cessation from a previous employer are treated as though the corresponding period of LSL was actually taken as leave.

Leave without pay not to count as service (LWOP NTCAS) defers the LSL accrual date unless otherwise determined by the Agency Head/approving authority, specifically for LSL.

Example 6

A new employee commenced with the Australian Crime Commission on 4 April 2011 with the following periods of service:

17.6.03 to 13.7.07	Victorian Inland Meat Authority
12.11.07 to 24.11.10	Agricultural College Qld
4.4.11 - continuing	Australian Crime Commission

Q: What service is acceptable for long service leave purposes?

A: All of the prior service is acceptable for recognition for LSL purposes, see Item 47 of Schedule 1 (regulation 7) of the LSL Regs.

Q: When will long service leave accrue?

Scheduled accrual date:

Scheduled to accrue 10 years from commencement (17.6.13) however, that accrual date will be deferred by the total number of calendar days of all breaks.

Total breaks:

Break 1 – between ceasing with the Victorian Inland Meat Authority on 13.7.07 and commencing with the Agricultural College Qld on 12.11.07 = 121 calendar days calculating between 14.7.07 and 11.11.07 (inclusive).

Break 2 – between ceasing with the Agricultural College Qld on 24.11.10 and commencing with the Australian Crime Commission on 4.4.11 = 130 calendar days calculating between 25.11.10 and 3.4.11 (inclusive).

Total breaks – 121+130 = 251 days.

Adjusted accrual date :

17.6.13 + total breaks of 251 calendar days = 23.2.14.

Exercise 1

Ms Brown has had the following periods of service:

24.3.03 to 27.7.11	Australian National Audit Office
4.4.11 to 27.7.11	LWOP NTCAS
24.2.12 to 5.6.12	Department of Finance and Deregulation
6.6.12	Appointed to your agency

Q: Ms Brown would like to take LSL in September 2014. When would her LSL credit accrue?

Scheduled accrual date:

24/3/13

Total breaks:

115
211
326

Adjusted accrual date:

13/2/14

3.12 GROUP EXERCISE

Exercise 2

Ms Green was engaged as an ongoing employee with your agency on 30 March 2013.

She has made a request for recognition of prior service for her previous employment.

The following evidence has been provided and verified by the previous employers:

Coal Mines Insurance Pty Ltd	6 March 1989 to 25 October 1991
NSW Department of Main Roads	1 November 1991 to 23 July 1998
Department of Resources, Energy and Tourism	24 July 1998 to 23 November 2012

You have been advised by the NSW Department of Main Roads that:

- Service was as a full-time salaried employee;
- Ms Ferrari took LWOP NTCAS from 8 February 1993 to 25 March 1993; and
- She was made redundant and was paid 1.95 months LSL in lieu for 6 years, 6 months service (0.3 months x 6.5 years).

Would your agency recognise her service with Coal Mines Insurance Pty Ltd for LSL? Why or why not (include any applicable references)?

Yes. Section 11 (Authority of State) Item 33

Would your agency recognise her service with NSW Department of Main Roads for LSL? Why or why not (include any applicable references)?

Service of a State - Section 11 part (2) - ACT.

Calculate her LSL accrual date:

6/3/99

96 day LWOP
6 day BIS
51

126 BIS.

27/04/99

31/8/99.

What will affect her LSL credit at the accrual date?

LWOP (NTCAS)
BIS

Redundancy pay out. will be deducted from accrual.

4. Resignation due to 'Marriage Bar'

Prior to the repeal of section 49 of the former Public Service Act 1922 (also known as the marriage bar) in November 1966, female officers were deemed to have resigned from the APS on marriage.

Service prior to deemed resignation has been recognised for long service leave purposes either by payment at the time of a 'marriage allowance' or for women who re-entered the APS, through the normal prior service recognition process (that is, re-entry within 12 months).

Marriage allowance was paid to women affected by the marriage bar who had at least 5 but less than 15 years' service and this is treated as pro-rata payment in lieu of long service leave.

Example 7	
An employee commenced in your agency with the following service:	
18.10.60 – 17.10.66	Department of Health
She got married on 17.10.66 and, due to the 'marriage bar', was deemed to have resigned on this date. After the 'marriage bar' was lifted on 18 November 1966, she took a job with the Department of Defence.	
29.11.66 - current	Department of Defence
Discuss the effect that the deemed resignation had on LSL.	
<i>The break in service between resignation (17.10.66) and re-engagement (29.11.66) was less than 12 months so continuity of service is maintained (41 days).</i>	
<i>The employee would have been scheduled to accrue LSL 10 years from commencement in the APS on 18.10.70 however, accrual was deferred by the break in service of 41 days. Her adjusted accrual date was 27.11.70.</i>	
<i>The entitlement (3 months for 10 years' service) was reduced by the amount of LSL that was paid out on cessation by virtue of the 'marriage allowance' as she had between 5 and 15 years' service at that time.</i>	
<i>The employee would have received payment in lieu (in the marriage allowance) for 6 years of LSL (1.8 months) so, on 27.11.70 her credit was 1.2 months.</i>	

5. Transfer of funds for leave liability

In accordance with Part 11 of the *Financial Management and Accountability Regulations 1997*, payment for leave liability is to be transferred between agencies if:

- (a) an employee in an Agency (the *old employer*) moves to another Agency, a Commonwealth authority or the High Court of Australia, (the *new employer*); and
- (b) some or all of the employee's accrued leave entitlements are transferred to the new employer as part of the employee's move; and
- (c) the move is not a direct consequence of the transfer of a government function.

Within 30 days of the receipt of a correctly rendered invoice from the new employer, the old employer must pay to the new employer an amount equal to the sum of the value, worked out on the basis of the employee's salary immediately before leaving the old employer, of:

- (a) the employee's annual leave entitlement at that time; and
- (b) the employee's *long service leave entitlement* at that time.

Note: long service leave entitlement, for an employee, means:

- (a) the period of long service leave to which the employee is legally entitled; or
- (b) if the employee is not legally entitled to any long service leave — the amount worked out by multiplying the notional amount of long service leave to which the employee is entitled for a year of service by the weighting factor set out in the following table that applies to the number of years of service the employee has completed.

Years of service	Weighting factor
Less than 1	0.5
At least 1 but less than 2	0.6
At least 2 but less than 4	0.7
At least 4 but less than 6	0.8
At least 6 but less than 8	0.9
At least 8	1.0

Where, for example, an employee has moved from one employer to another for a short period (and will be returning to the old employer), the employers may agree that it is not efficient to invoice and transfer funds under this regulation (as long as the employee will not be deprived of access to relevant leave).

Agency is defined in section 5 of the Act. It includes a Department of State, a Department of the Parliament and an Agency prescribed by the FMA Regulations.

Commonwealth authority has the same meaning as in the *Commonwealth Authorities and Companies Act 1997*.

For more information, see www.finance.gov.au

6. Right of return for election candidates

THIS APPLIES ONLY TO ONGOING APS EMPLOYEES

In accordance with section 32 of the *Public Service Act 1999* and Public Service Regulation 3.14, a person who resigned to contest an election has a right of return to the APS under specified circumstances prescribed by *Public Service Regulations 1999*.

This applies if:

- (a) the person resigned as an **APS employee** in order to contest an election prescribed by the Regulations;
- (b) the resignation took effect not earlier than 6 months before the closing date for nominations; and
- (c) the person was a candidate in the election but failed to be elected.

When this happens, the continuity of the person's service is taken not to have been broken by the period between the person's resignation and the person's re-engagement as an **APS employee** but that period does not count as service for the purposes of leave entitlements under the National Employment Standards and an employment arrangement that applies to the employee (eg. enterprise agreement, determination). This means that it does **not** apply to LSL or Maternity Leave.

On re-engagement, the person must be engaged on the same terms and conditions of employment that were applicable prior to resignation.

A person to whom section 32 of the PS Act applies is entitled to be again engaged as an APS employee if, within the required time, the person applies to the relevant authority.

Relevant authority means: the Agency Head; or if that agency no longer exists or the job/function was transferred to another agency, that Agency Head; or in any other circumstances, the Public Service Commissioner.

7. Prior service for personal / carer's leave

The portability of, or crediting for prior service for the purposes of, personal/carer's leave (PCL) is not an automatic consequence of recognising prior service for the purposes of LSL. Whether or not prior service may be recognised for the purposes of PCL (and a credit given or an accrual accepted) is determined by the provisions of an agency's enterprise agreement or applicable employment instrument.

7.1 Key elements

The key elements for determining whether prior service is to be recognised for PCL purposes are:

- Eligible prior service; and
- Continuity of service.

Eligible prior service

The meaning of eligible prior service is provided in your agency's enterprise agreement.

The APSC's recommended model clause for inclusion in APS enterprise agreements is:

“Portability of leave

1. *Where an employee moves (including on promotion or for an agreed period) from another agency where they were an ongoing APS employee, the employee's unused accrued Annual leave and Personal/carer's leave (however described) will be recognised, provided there is no break in continuity of service.*
2. *Where an employee is engaged as either an ongoing or non-ongoing APS employee immediately following a period of ongoing employment in the Parliamentary Service or the ACT Government Service, the employee's unused accrued Annual leave and Personal/carer's leave (however described) will be recognised.*
3. *For the purposes of this clause:*
 - *'APS employee' has the same meaning as the Public Service Act 1999*
 - *'Parliamentary Service' refers to employment under the Parliamentary Service Act 1999.”*

The APSC provides an additional addendum to the model clause that agencies may choose to include:

“Portability of leave – former non-ongoing employees

Where a person is engaged as an ongoing employee, and immediately prior to the engagement the person was employed as a non-ongoing APS employee, the Agency Head may, at the employee's request, recognise any accrued Annual leave and Personal/carer's leave (however described), provided there is no break in continuity of service. Any recognised Annual leave excludes any accrued leave paid out on separation.”

While this is the APSC's recommendation, some agencies have slightly differing terms. It is important to check your own agency's enterprise agreement clause.

Agencies may have different entitlements. Most APS agencies have an annual entitlement of 18 days however, there are some exceptions to this. Importantly, even though the annual entitlement may be the same, there are different accrual and crediting rates of PCL across the APS. For example, one agency may accrue and credit annually, another may accrue daily and credit fortnightly and yet another may accrue fortnightly and credit monthly. These rates will need to be considered when using PCL accruals provided from another agency as the basis for a credit.

Leave without pay not to count as service (LWOP NTCAS) defers the PCL accrual date. Agencies may determine the deferral through an agency enterprise agreement, e.g. some agreements state LWOP NTCAS in excess of 30 days will defer accruals and others are silent on the matter (if your agency agreement is silent, all LWOP NTCAS will defer accruals). **It is important to check the provisions that apply in your agency.**

All unauthorised absences (e.g. strikes) do not count as service and defer the PCL accrual date.

Continuity of service

Continuity of service is eligible service that does not have any break in employment at all or, in some cases, the amount stated in your agency enterprise agreement. If a break is provided for, the period of any break, itself, is not considered as service.

Continuity of service is not broken by periods of leave with pay, part pay or without pay, however leave, not to count as service, reduces the PCL entitlement or, it defers the accrual date of PCL.

The types of leave without pay that do not count as service are generally contained in agency enterprise agreements or policy documents. An Agency Head may also determine if a period of leave is to count as service.

Enterprise agreement Miscellaneous leave and/or personal/carer's leave clauses may contain information (it is important to check the agreement thoroughly as it may be contained in a number of different clauses), for example:

“Miscellaneous Leave:

Unless the Agency Head determines otherwise, any continuous period of Miscellaneous Leave without pay greater than 30 calendar days will not count as service for Annual and Personal Leave purposes.

Personal Carer's Leave:

Where Personal Leave with pay is exhausted, the Agency Head may allow an employee a grant of additional Personal Leave, either with or without pay. Where an employee is granted additional Personal Leave without pay the period of leave will count as service for the purpose of Annual and Personal Leave entitlements. “

While the APSC's recommendation is that PCL accruals only be recognised for transferring APS, Parliamentary Service or ACT Public Service employees, subject to no break in service, some agencies have slightly differing terms. For example, some agencies transfer PCL balances, between APS agencies, provided the break in service does not exceed 2 months.

IT IS IMPORTANT TO KNOW THE PROVISIONS THAT APPLY IN YOUR AGENCY

7.2 Establishing a PCL credit

Example 8

An employee commenced with the National Water Commission on 18 March 2013, having resigned from the Climate Change Authority on 15 March 2013. The Climate Change Authority have provided the following PCL information:

Commenced	1 February 2010	
PCL credits	1.2.10	18 days
	1.2.11	18 days
	1.2.12	18 days
	1.2.13	18 days
PCL taken	15-16 November 2010	2 days
	22-23 September 2011	2 days
	22 June 2012	1 day
	14 November 2012	1 day
	23 December 2012	1 day

Discuss considerations for processing a credit on commencement.

Both agencies are APS agencies. Continuity is maintained because the employee commenced with the NWC on the next working day after cessation from the CCA.

The current leave balance is 65 days (18+18+18+18 days credited minus 2-2-1-1-1 days taken).

The employee was credited 18 days, in advance, on 1 February 2013 and is not due for another credit until 1 February 2014. If the CCA credits other than annually, the leave credit will need to be reduced to take account of the advanced credit.

For example, if CCA credits on the first of every month, the employee will be due to receive a credit on 1 April 2013 of 1.5 days (18 days divided by 12 months). The current balance of 65 days will need to be reduced by the credit due on the first of each month from April 2013 – January 2014 (a total of 10 months x 1.5 days = 15 days). 65-15=50 days. So on commencement, the credit should be adjusted to 50 days and they will now accrue 1.5 days on the first of each month, according to the CCA enterprise agreement (hypothetically).

Exercise 3

What is the authority for recognition of prior service for / portability of PCL?

EA.

What is eligible service in accordance with that authority?

What does it define continuity of service as?

8. War service sick leave

There is no recognition of prior service involved in crediting War Service Sick leave.

Staff joining the APS with prior war service **and** who suffer from a recognised war-caused disability, injury or illness, **may** be entitled to war service sick leave.

Whether, or not, there is an entitlement is in accordance with each agency's enterprise agreement. Please note, if an agreement is silent on the issue, there is no authority for crediting or transferring war service sick leave.

9. Prior service for maternity leave purposes

It may be necessary to apply a recognition of prior service process for the purpose of paid maternity leave qualification.

While there is no qualifying period for unpaid maternity leave under the *Maternity Leave (Commonwealth Employees) Act 1973* (ML Act), there is a qualifying period of 12 months' continuous eligible service before a woman is eligible for paid maternity leave under the ML Act.

9.1 Key elements

The key elements for determining whether prior service is to be recognised for the purpose of qualifying for maternity leave are:

- Eligible service; and
- Continuity of service.

Eligible service

Within the scope of section 6(4A) of the ML Act, any continuous service with another employer covered by the ML Act, or in service set out in Schedules 1,2,3 and 4 of the *Maternity Leave (Commonwealth Employees) Regulations* (ML Regulations), counts towards the 12 month qualifying period.

The following service is **not** eligible service and does not count toward the qualifying period for paid maternity leave (see s. 5(3) and 6(4B) of the ML Act):

- Where there was no eligibility for paid leave of absence on account of illness (eg. where a casual loading in lieu of such entitlements was paid);
- Where payment was by fees, allowance and commission only;
- Australian Defence Force;
- Member of Parliament;
- Minister;
- Judge;
- Federal Magistrate; or
- Locally engaged employee.

Continuity of service

Only service within the 12 months immediately preceding the commencement of paid leave may count toward the eligibility for paid maternity leave. There must be strict continuity of employment that is, no breaks between ceasing and commencing any employment covered by the ML Act.

LWOP during the qualifying period does not break continuity of employment for the purposes of the 12 month qualifying period. All that is relevant is whether the woman was in a form of eligible employment and, if so, was she eligible for paid leave of absence in regard of illness.

Example 9

An employee has the following service:

24.10.12 to 20.3.13	Australian Taxation Office
21.3.13 – continuing	Your agency

The employee is planning to take Maternity Leave from 8 October 2013 six weeks before her 'date of confinement' of 19 November 2013.

Q: Will her Maternity Leave be paid?

A: If she proceeds on leave on 8 October 2013 as planned, she will be on unpaid leave until her 12 months' qualifying period is up. She will begin being paid from 24 October 2013.

10. Prior service for parental leave purposes

The Agency EA is the principal reference for any provision in regard to recognising prior service for qualifying periods that apply to parental/supporting partner/foster care/adoption leave.

Note:

The National Employment Standards of the *Fair Work Act 2009* attaches a qualifying period of 12 months continuous service with an employer for unpaid parental leave. An agency EA, or employment instrument, may enhance this condition eg. it may waive or reduce a qualifying period or contain provision to recognise other service in reaching a qualifying period.

11. Prior service for redundancy purposes

How prior service is treated for redundancy purposes is in accordance with an agency's enterprise agreement and these include what is eligible service for the purposes of redundancy.

The APSC has a suggested model clause for inclusion in agreements **for your information only**:

“Service for redundancy pay purposes: The following types of service are counted in the calculation of service for the purposes of a redundancy benefit:

- *Service in an APS agency;*
- *Government service as defined in section 10 of the Long Service Leave (Commonwealth Employees) Act 1976;*
- *Service with the Commonwealth, which is recognised for long service leave purposes, other than service with a Joint Commonwealth-State body or body corporate in which the Commonwealth does not have a controlling interest;*
- *Service with the Australian Defence Forces;*
- *APS service immediately preceding deemed resignation (due to the marriage bar under the Public Service Act 1922) if service has not previously been recognised for redundancy pay purposes;*
- *service in another organisation where:*
 - *an employee was transferred from the APS to that organisation with a transfer of function; or*
 - *an employee engaged by that organisation on work within a function is engaged as an APS employee as a result of the transfer of that function to the APS; and*
 - *such function is recognised for long service leave purposes.*

For earlier periods of service to count there must be no breaks between the periods of service, except where:*

- *the break in service is less than 4 weeks and occurs where an offer of employment with the new employer was made and accepted by the employee before ceasing employment with the preceding employer; or*
- *the earlier period of service was with the APS and ceased because the employee was deemed to have resigned from the APS on marriage under the repealed section 49 of the Public Service Act 1922.*

[this is also subject to the transfer of business rules under Part 2-8 of the FW Act]*

Any period of service which ceased by way of:

- *any of the grounds for termination specified in s.29 of the PS Act (including any additional grounds prescribed in the PS Regulations);*
- *on a ground equivalent to any of these grounds;*
- *through voluntary retirement at or above the minimum retiring age applicable to the employee;*
- *with the payment of a redundancy benefit or similar payment or an employer-financed retirement benefit;*

will not count as service for redundancy pay purposes.

Absences from work that do not count as service for leave purposes will not count as service for redundancy pay purposes.”

IT IS IMPORTANT TO KNOW THE PROVISIONS THAT APPLY IN YOUR AGENCY

12. Prior service with the Australian Capital Territory Public Service

Special legal provisions apply when determining the period of service of persons who move from the Australian Capital Territory Public Service (ACTPS) to the APS as the result of a transfer of functions.

The following provides broad guidance only, it is important to check the exact terms of any applicable legislation and/or obtain legal advice as appropriate.

12.1 Transfer of functions

Since the Australian Capital Territory Public Service (ACTPS) was established as a separate entity from the APS on 1 July 1994, the ongoing and transitional arrangements made have generally lapsed. If a transfer from ACTPS to APS occurred before 1.7.94, the ACTPS service is treated as APS service.

Where an ACTPS employee is engaged by an APS agency, annual leave and pro-rata entitlements are carried over to the APS and calculated according to the conditions of the gaining agency.

There is no option for payment in lieu for annual leave credits - the gaining agency meets the costs of credits that are carried over (the authority for this is in section 25 of the Australian Capital Territory Government Service (Consequential Provisions) Act 1994 (ACTGS Act). This Act cannot be overridden by an agency enterprise agreement.

There is an agreement between the ACTPS and the APS that any accrued annual leave loading will be paid out by the ACTPS before the employee moves to the APS.

Details of the arrangements which apply from 5 December 1999 are in APSC Advice No 17, paragraphs 11 –17 and the *Public Employment (Consequential and Transitional) Amendment Act 1999 (PECTA)*. Various provisions of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994 (ACTGS Act)* were repealed, removing the reciprocal mobility provisions with the ACTPS from Commonwealth legislation (including the Parliamentary Departments) from 5 December 1999.

12.1 Treatment of leave

Long Service Leave

Prior service with the ACTPS is treated, for LSL purposes, as if it had been service with the Commonwealth. The authority is s11 of the LSL Act.

Annual Leave

Where an ACTPS employee is engaged by an APS agency, annual leave and pro rata entitlements are carried over to the APS and calculated according to the conditions of the gaining agency:

There is no option for payment in lieu for annual leave credits; the agency meets the costs of credits that are carried over (the authority is the ACTGS Act).

Note: this Act cannot be overridden by agency EAs.

As the APS does not generally pay a loading on annual leave, any accrued annual leave loading will need to be paid out by the ACTPS before the employee moves to the APS.

Personal Carer's Leave

Under the recommended terms and conditions of the APS Bargaining Framework, agencies should include provisions for recognising service with the ACTPS as service for personal carer's leave purposes in enterprise agreements.

The APSC's suggested model clause for inclusion in agreements and provided **for your information only** is as follows:

"Portability of leave....."

4. *Where an employee is engaged as either an ongoing or non-ongoing APS employee immediately following a period of ongoing employment in the Parliamentary Service or the ACT Government Service, the employee's unused accrued Annual leave and Personal/carer's leave (however described) will be recognised...."*

It is, therefore, imperative that you understand and apply the provisions that apply in your agency – it is not 'one size fits all'.

12.2 For redundancy purposes

How ACTPS service is treated for redundancy purposes is in accordance with an agency's enterprise agreement and these include what is eligible service for the purposes of redundancy.

13. Prior service with functions moved in or out of the APS

13.1 Transfer of functions

Special legal provisions apply when determining the period of service of persons who move between the APS and a Parliamentary department or, at some point in the past, have been transferred into or out of the APS or Commonwealth functions as the result of a transfer of functions.

It is important to check the exact terms of any applicable legislation and/or obtain legal advice as appropriate.

13.2 Parliamentary departments

Until 5 December 1999, parliamentary departments were part of the APS. So, any service with parliamentary departments prior to that date is treated as APS service.

The *Parliamentary Service Act 1999* provides for the portability of annual leave and PCL.

Most agency enterprise agreements also cover service with parliamentary departments in the 'portability of leave' clause.

13.3 Functions moved in or out of the APS

Before the enactment of the *Public Service Act 1999* (PS Act), the impact on terms and conditions of employment of transfers of functions into and out of the APS was dealt with:

- Until 8 January 1986, under Divisions 9A, 9B, 9C, 9D and 9E of the *Public Service Act 1922*;
- Between 1986 and 1999, by the making of determinations under s. 81B and s. 81C of the PS Act 1922; or
- By specific legislation relating to particular transfers.

While Divisions 9A to 9E of the PS Act 1922 were repealed on 8 January 1986, s. 8 of the *Acts Interpretation Act 1901* preserves accrued rights that were dependent upon these provisions. Similarly, regulation 2.31 of the *Public Employment (Consequential and Transitional) Regulations 1999* provides that any determination of special terms and conditions of employment under s. 81B(5) or s. 81C(3) continues in force. Such provisions may therefore have ongoing relevance in determining LSL and personal carer's leave entitlements of persons who were compulsorily transferred into and out of the APS in the past, and may also affect entitlements to redundancy pay.

13.4 State employees transferred to the APS

Former state employees compulsorily transferred to the APS under Division 9A and 9B of the *Public Service Act 1922* before 1986 (see s. 81J and s. 81U prior to 1986) and state employees transferred to the APS under the *Statistics (Arrangements with the States) Act 1956* (secs. 13) retained access to previously accrued sick leave.

The LSL entitlements of State employees compulsorily transferred to the APS depend on the terms of the legislation or determination under the PS Act 1922 relating to the terms of the transfer. Some State employees not only carried across accrued LSL entitlements but retain an ongoing entitlement to be granted LSL under the more favourable of the conditions that would have applied had the employee remained in the service of the State or under the LSL Act, eg.:

- State employees transferred to the APS before mid 1986 under former Division 9A and 9B of the PS Act 1922 (see s.81K or 81V as in force until 1986); and
- Former State employees transferred to the APS under the *Statistics (Arrangements with the States) Act 1956* (see s.14).

Advice on the entitlements that such an employee would have, if he or she had continued under the relevant State provisions, including the effect of any changes since the employee's transfer to the Commonwealth, should be obtained from the relevant State Government central agency.

In other cases, determinations under the PS Act 1922 provided that compulsorily transferred State employees retained the right to accrue LSL at the rate provided for in State legislation as in force at the time of the compulsory transfer. For example:

- meat inspection employees taken over from the NSW Public Service on 1 July 1983 under s. 81ZV of the PS Act 1922; and
- employees of organisations taken over from the State Public Services of NSW (19 December 1975) and WA (29 June 1974) by the former Department of Aboriginal Affairs under s.12 of the *Aboriginal Affairs (Arrangements With States) Act 1973*.

Advice on the entitlements that such an employee had under State law at the time of the compulsory transfer should be obtained from the relevant State Government central agency.

13.5 Employees compulsorily transferred from the APS to bodies not covered by the LSL Act

The LSL Act, itself, deals with the consequences in relation to recognition of prior service of various past transfers of functions to former Commonwealth Territories e.g. Papua New Guinea, the Northern Territory, the Australian Capital Territory and Nauru.

Where Australian Public Service employees were compulsorily transferred to a Commonwealth authority under s.81C of the PS Act 1922, the Public Service Commissioner had the power to make a determination relating to the terms and conditions of transferees that could override other legislation. Schedule 2 of the LSL Regulations was often amended in association with such a transfer to provide that the employment of a person compulsorily transferred to the Commonwealth authority would count as prior service for the purpose of the LSL Act.

Where a Commonwealth function is transferred to a Commonwealth-owned company or privatised, the employees of the relevant body generally cease to be covered by the LSL Act. Transitional legislation often provides for the preservation of the LSL entitlements of persons who were employees of the Commonwealth authority immediately prior to the sale.

If the Government agrees to continue to recognise for the purpose of the LSL Act the prior service of employees who moved to the new body, this is generally given effect by an amendment to [Schedule 2](#) of the LSL Regulations.

There may also be other relevant statutory provisions e.g. s. 32 of the *Health Insurance Commission Act 1973* and Health Insurance Commission (HIC) Regulation 6. These deal with the LSL entitlements of employees of private health insurance funds who commenced employment with the HIC either before 8 August 1975, or within 12 months of ceasing employment with a private health organisation before 1 July 1978 and who commenced employment with HIC within twelve months of ceasing such employment.

14. Further reading

14.1 Historical case studies

Commonwealth Bank

Reference

Sub-section 11(2)(f) and 11(5)(b) of the LSL Act 1976

General principles

Prior to 19 July 1996, Commonwealth Bank (CBA) employees were employed under section 88 of the *Commonwealth Bank Act 1959* and such employment was recognised under the LSL Act for prior service purposes. However, section 88 was repealed by the *Commonwealth Bank Sale Act 1995* on 19 July 1996.

Therefore, unless a person employed with the CBA obtained eligible employment within 12 months of the repeal of section 88 (19 July 1996 – 18 July 1997) to maintain continuity of service, their service with the CBA is no longer recognised as prior service under the LSL Act.

Qantas

Reference

LSL Regulation 8, Schedule 2, Item 59

General principles

Prior service with Qantas that falls from 1 July 1947 (the date Qantas became wholly owned by the Commonwealth) to 30 July 1995 (the date of 50% sale under the *Qantas Sale Act 1992*) can be recognised as service under the LSL Act for prior service purposes, provided that continuity of service is maintained, that is there is a break of no more than 12 months.

Telstra

Reference

Sub-section 4(6)(c)(iii) of the LSL Act

LSL Regulation 3, Schedule 1A, Item 4

General principles

Telstra is listed in Schedule 1A of the LSL Regulations as the Australian and Overseas Telecommunications Corporation Limited and is therefore deemed to be a body corporate under Regulation 3. Under Sub-section 4(6)(c)(iii) of the LSL Act, references (throughout the Act) to employees of the Commonwealth include employees of companies declared to be a body corporate by virtue of LSL Regulation 3, Schedule 1A.

Medibank Private Limited

Reference

LSL Regulation 8, Schedule 2, Item 49

General principles

From 1 May 1998, Medibank Private Limited (a health insurance fund) became a Commonwealth owned company, under the *Health Insurance Commission (Reform and Separation of Functions) Act 1997*. Prior to 1 May 1998 Medibank Private was part of the Health Insurance Commission, a Commonwealth authority.

Under Schedule 2 of the LSL Regulations, a HIC employee whose employment was transferred across to Medibank Private Limited, is able to have that service counted as eligible Government service for LSL.

This means that a former HIC employee can have Medibank Private Limited service recognised where they transferred to that company from HIC within 18 months of 1 May 1998. Service pre and post the transfer can be recognised. Under transitional arrangements staff had 18 months to transfer, that is, by 1 December 1999.

Australian Defence Force Service

Reference

Sub-section 11(2)(f) and 11(5)(a) of the LSL Act 1976

General principles

Employment as a member of the Defence Force, including paid service with the Citizen Military Forces, the Defence Force Reserve and the National Service, is recognised for prior service purposes as it is deemed to be “other relevant service” under Sub-sections 11(2)(f) and 11(5)(a) of the LSL Act.

Service details can be obtained from the Department of Defence.

Locally Engaged Employees

Reference

Sub-section 11(2)(f) and 11(5)(c) of the LSL Act 1976

General principles

Locally engaged employees (that is, those engaged overseas in Australian posts) can have their overseas service recognised as prior service under the LSL Act, provided the service is continuous with their current service (that is, they do not have a break in service of more than 12 months). This applies to engagements after 20 December 1976, the date from which the LSL Act applies.

Locally engaged employees who were in Commonwealth employment on 19 December 1976 and who continued in employment from 20 December 1976 continue to be eligible to qualify for LSL, provided that they do not have a break in service of more than 12 months.

Employees on leave from the APS, for example, to accompany a spouse or to travel, have been known to obtain employment in overseas posts. This period of service can be recognised as prior service under the LSL Act and as leave does not break service, continuity rules are not relevant. However, as this is regarded as outside employment, any Agency guidelines on outside employment should be followed.

State/territory teachers

Reference

Sub-section 11(2) of the LSL Act, Sub-section 11(4) of the LSL Act

General principles

Employees with eligible prior service (state/territory public service) as a teacher can have their service recognised as prior service under Section 11 of the LSL Act, provided they do not have a break in service of more than 12 months. If the person was a casual teacher, school term holiday breaks are generally treated as a break in service, not as leave without pay.

However, if prior service was as a student teacher or teacher-in-training this service is usually remunerated by way of an allowance only and therefore not recognised for LSL purposes.

Details about teacher service can be obtained from the relevant state or territory Education department.

16. FINAL QUIZ

1. In your own words, what is 'prior service'?

2. Why do we recognise prior service?

3. What are the legislative provisions relevant to recognition of prior service?

4. What are the considerations of recognising prior service for PCL purposes?

5. Name two instances when breaks greater than 12 months do not break continuity for LSL purposes?

6. Is there **discretion** to extend the 12 months' break limit relevant to continuity for LSL purposes?

17. Sample templates

17.1 Letter to former employer template

<NAME OF ORGANISATION>

<ADDRESS>

RECOGNITION OF PRIOR SERVICE

Name <NAME>

Date of Birth <DATE OF BIRTH>

<NAME>, an employee of this agency, has advised that he/she was employed by your organisation from <DATE> to <DATE> and has asked that this service be recognised for long service leave purposes.

Would you please complete the attached statement of service and return it to me. Should you have any queries contact <CONTACT OFFICER> on <TELEPHONE>

<SIGNATURE BLOCK>

<DATE>

17.2 Statement of service template

Employer's Name and Address:

STATEMENT OF SERVICE: LONG SERVICE [AND PERSONAL/CARER'S (SICK)] LEAVE PURPOSES

Employee's Full Name:

Date of Birth:

AGS/Service Number(s) during employment:

FULL-TIME SERVICE

1. Date(s) commenced continuous full-time service:

___/___/___ ___/___/___ ___/___/___

2. Date(s) ceased full-time service:

___/___/___ ___/___/___ ___/___/___

3. Reason for ceasing employment:

4. Remuneration was by way of (*cross out whichever is not applicable*)

- a) salary/wages, or
- b) fees, allowances or commission only

5. Total period of leave without pay not counting as service during full-time service in respect of:

- a) personal carer's leave purposes: ___ years ___ months ___ days
- b) long service leave purposes: ___ years ___ months ___ days

6. Total period of personal carer's leave granted during full-time service:

- a) on full pay: ___ days ___ hours ___ minutes

b) on half pay: ___ days ___ hours ___ minutes

c) paid in lieu: ___ days ___ hours ___ minutes

Please attach copy of the relevant leave & salary records if available

7. Total period of long service leave granted or paid in lieu (and/or marriage allowance) in respect of full-time service (including gratuity payments based on length of service made by the Commonwealth Banking Corporation and the Reserve Bank). *Please specify if the amount(s) include those granted/paid by other organisations.*

_____ Months _____ Days

_____ Months _____ Days

PART-TIME SERVICE

1. Date(s) commenced continuous part-time service:

___/___/___ ___/___/___ ___/___/___

2. Date(s) ceased part-time service:

___/___/___ ___/___/___ ___/___/___

3. Hours worked per week during part-time service:

___/___/___ to ___/___/___ : _____ hours per week

___/___/___ to ___/___/___ : _____ hours per week

___/___/___ to ___/___/___ : _____ hours per week

___/___/___ to ___/___/___ : _____ hours per week OR

Average hours per week during part-time service: _____

4. Remuneration was by way of (*cross out whichever is not applicable*)

a) salary/wages, or

b) fees, allowances or commission only

Please attach copy of the relevant leave & salary history records if available

6. Total period of leave without pay *not* counting as service for long service leave purposes during part-time service:

____ years ____ months ____ days

From ____ / ____ / ____ to ____ / ____ / ____ reason _____

From ____ / ____ / ____ to ____ / ____ / ____ reason _____

From ____ / ____ / ____ to ____ / ____ / ____ reason _____

From ____ / ____ / ____ to ____ / ____ / ____ reason _____

7. Total period of long service leave granted or paid in lieu (and/or marriage allowance) in respect of full-time service (including gratuity payments based on length of service made by the Commonwealth Banking Corporation and the Reserve Bank). *Please specify if the amount(s) include those granted/paid by other organisations.*

____ months ____ days

____ months ____ days

____ months ____ days

The above details are certified correct.

Name

Position

Phone number

Signature:

Date: ____ / ____ / ____

17.3 Letter to employee template

<EMPLOYEE NAME>

RECOGNITION OF PRIOR SERVICE FOR LONG SERVICE AND PERSONAL CARER'S LEAVE PURPOSES

I am pleased to advise that your prior service with <NAME OF ORGANISATION> for the period <DATE> to <DATE> has been recognised as service for long service leave purposes.

The effect of the recognition of this service is to bring your accrual dates forward. Your long service leave accrual date is <DATE>.

Please note that these accrual dates will be affected by any periods of leave without pay, taken subsequently, which are not to count as service.

If you have any enquiries regarding this matter please contact <CONTACT OFFICER> on <TELEPHONE>.

<SIGNATURE BLOCK>

<DATE>

