



Australian Government
**Department of Education,
Skills and Employment**



Leave Policy

Department of Education, Skills and Employment

Recognition of prior service

Annual and personal leave purposes

- 5.11 Provided there is no break in continuity of service, all existing accrued annual and personal leave (and equivalent) credits will be recognised and accepted for employees
- a) employed under the [Public Service Act 1999](#) (PS Act).
 - b) employed under the [Parliamentary Service Act 1999](#) (Parliamentary Service Act) or
 - c) recruited from the ACT Government Service.
- 5.12 Service with organisations where the employee was previously employed under the PS Act, the Parliamentary Service Act, or from the ACT Government Service may be recognised for personal leave purposes if the break in service is not more than two calendar months.
- 5.13 Employees recruited directly to the department from another APS Agency will have their accrued personal and annual leave credits recognised automatically on commencement.
- 5.14 Where prior service has not been automatically recognised, or a person is transferring to the department from a non-APS agency, the employee may apply to have their prior service recognised by completing the [Prior Service Recognition Request form](#) and sending it with confirmation of periods of service from previous employers to Payroll@sdo.gov.au. The

department will consider whether the prior service should be recognised in accordance with the EA and/or relevant legislation.

- 5.15 The [Policy and Operations Team](#) can provide information relating to the process of applying for recognition of prior service.

Long Service Leave purposes

- 5.16 Prior service with State or local governments will be recognised if it is recognised as government services in accordance with the Long Service Leave Act and Long Service Leave Regulations.
- 5.17 Service with organisations where the employee was previously employed under the PS Act, the Parliamentary Service Act, or from the ACT Government Service may be recognised for long service leave purposes if the break in service is not more than 12 months.

s 22(1)(a)(ii)

17. Long service leave

- 17.1 Employees are entitled to Long Service Leave (LSL) in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*. An employee accrues three calendar months' LSL after 10 years' service, and nine calendar days each year thereafter.
- 17.2 Managers should not unreasonably refuse to agree to a request for LSL.
- 17.3 The minimum period of absence for which LSL will be granted is seven calendar days at full pay, or 14 calendar days at half pay.
- 17.4 LSL operates on a calendar rather than working day basis. Therefore, weekends and public holidays are counted when LSL is taken.
- 17.5 A period of LSL cannot be broken by other forms of leave, including annual and purchased leave, except as otherwise provided by legislation.
- 17.6 Leave credits accrue at the same rate whether the employee works full time or part time. However, when the long service leave is taken, any leave accrued while working part time is paid at the part time rate.

s 22(1)(a)(ii)



Australian Government

Department of Employment and Workplace Relations

DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS

Public Service Act 1999

DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS DETERMINATION 2022/1 (NON-SES EMPLOYEES) PURSUANT TO SECTION 24(1)

I, Nathan Smyth, Acting Secretary of the Department of Employment and Workplace Relations (**department**), make the following determination under section 24(1) of the *Public Service Act 1999*.

s 22(1)(a)(ii)

Part H – Leave

Portability of leave

169. Where an employee joins the department on an ongoing or non-ongoing basis from an employer staffed under the PS Act, the *Parliamentary Service Act 1999* or from the ACT Government Service, accrued annual and personal leave (however described) will be transferred or recognised, provided there is no break in continuity of service, or payments made to the employee in lieu of these entitlements from the previous employer.
170. Service with organisations where the employee was previously employed under the PS Act, the *Parliamentary Service Act 1999*, or from the ACT Government Service may be recognised for personal leave purposes if the break in service is not more than two calendar months.

s 22(1)(a)(ii)

Long service leave

206. An employee will be eligible for long service leave (LSL) in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.
207. The minimum period for which LSL will be granted is seven calendar days at full pay or 14 calendar days at half pay. A period of LSL cannot be broken by other periods of leave, a weekend or a public holiday, except as otherwise provided by legislation.
208. Long service leave credits may be taken at any time, subject to operational requirements and the approval of the employee's manager.

