

# Annual Conference 2025



## LONG SERVICE LEAVE

A PAPER FROM THE HUTT VALLEY (TE AWA KAIRANGI) REGION



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## RECOMMENDATIONS

1. That the report be received.
2. That NZPPTA actively pursue the provision of extended service leave, based on the NSW model, in the future .
3. That NZPPTA actively pursue an increase of 10 each in the annual availability of the number of sabbatical and study grant awards.

## PREAMBLE

This paper outlines the need for optional long service extended leave for teachers based on the New South Wales model.

Although study leave and sabbaticals are available for NZ teachers [see Appendix A 3.1, 6.6.6 and 6.6.7], these are subject to processes that filter the merits of the applications and limit them to a set number. The New South Wales model on the other hand recognises the principle of entitlement as a condition of completed service after a minimum of seven years. Extended leave therefore is a contractual condition NSA teachers enjoy. It is this principle of entitlement this paper seeks to have encoded in future employment contracts negotiated by NZPPTA.

*Thanks to honorary member Trevor Williams for editing and helping develop this paper in 2021.*

## 1 THE CURRENT NZ SITUATION

3.1 The following awards are available nationally each year on full pay: [see Appendix A for further details]

- 75 full-time study leave awards.
- 50 sabbatical leave awards for full-time registered teachers for 10 weeks.
- 10 sabbatical leave awards for senior managers.
- In addition, 100 study support grants are available each year to permanent, fully registered teachers. These grants provide for four hours per week release time in the recipient's school and \$500 reimbursement towards the cost of course fees.

### 1.2 The Current NSW Situation

Extended service leave accrues according to years of service and is available to part-timers on a pro rata basis.

- Teachers are entitled to take extended service leave on full pay after 7 years' service [See Appendix B Table 1 4.7.18 for periods of leave due per years of service].
- Long service leave is available after 10 years of continuous service and is also calculated on length of service [ see Table 2 4.7.18]
- Length of service is transferable from other educational agencies governed by various public sector acts and teaching services acts [See 4.7.17.1].
- Teachers have the right of return to their school.

1.3 The only real restriction to the right of entitlement is the principle of convenience. Staffing difficulties, educational programmes, and student needs may be factors in the granting of leave, but in such cases a mutually convenient time may be negotiated between the principal and the teacher [see 4.7.5e].

## 2. CONCLUSION

The NSW scheme incentivises teaching service. In contrast, the NZ scheme is rudimentary, if not miserly. Adoption of the NSW model could play a significant part in the retention of NZ teachers, especially as the work force ages disproportionately to the number of younger teachers recruited. It allows for educational as well as personal interests to be pursued and thereby enhances the prestige and attractiveness of the career.

## APPENDIX A - NEW ZEALAND

### 6.6.6 Study Leave for Teachers

- (a) Teachers who are awarded study leave as part of the 75 full-time equivalent study leave positions available nationally each year to all teachers shall be granted leave on pay for the period of the study.
- (b) Applications for study awards shall be made to a panel composed of equal numbers of employer representatives and representatives of the Association. In allocating study awards the Good Employer requirements of s77A of the State Sector Act 1988, as set out in clause 3.1.1(b), shall be considered.
- (c) Employers may approve leave without pay for pre-examination study and leave on pay for time spent sitting examinations, plus necessary travelling time.
- (d) Relieving and fixed-term full-time teachers in Groups 1 and 2 may apply for leave for study and examinations to be granted as for permanent teachers.
- (e) The employer may grant leave on pay to teachers who are awarded scholarships and fellowships for the duration of the contract, plus reasonable travelling time.

**Note:** *A teacher in receipt of the allowance for Kāhui Ako Teacher (across community) role shall not be eligible to take up a Study Leave award. For clarity the teacher may apply for an award in the last year of their appointment to the role provided, if granted, the entitlement is not taken up until after the conclusion of the fixed-term appointment.*

### 6.6.6A Study Support Grant

- (a) 100 study support grants per annum shall be available nationally to fully registered teachers who are permanently appointed.
- (b) Teachers who are awarded one of 100 study support grants shall be entitled to a time allowance of 0.16 FTTE (equivalent to four hours per week). The time allowance shall be provided to the school as additional staffing entitlement.
- (c) Each recipient of the study support grant shall be entitled to reimbursement of up to \$500 towards their course fees on completion of the course.

**Note:** *The parties may agree to review and amend the application process and criteria for the study support grants from time to time.*

### 6.6.7 Sabbatical Leave

- (a) 50 sabbatical leave awards per annum shall be available nationally for full-time registered teachers.

(b) Sabbatical leave is of ten weeks duration and is paid at the teacher's normal salary.

**Note 1:** *These awards shall be allocated according to the current application processes and criteria. The parties may agree to amend these from time to time.*

**Note 2:** *A teacher in receipt of the allowance for the Kāhui Ako Teacher (across community) role may apply for Sabbatical Leave to be taken while they hold that role provided that any application has the support of their employing board which shall consider the needs of the wider Kāhui Ako.*

### 6.6.7A Sabbatical Leave for Senior Managers

- (a) From the start of the 2012 school year, ten (10) sabbatical leave awards per annum shall be made available nationally for full-time registered teachers employed as senior managers, as defined in 4.3B.2.

(b) Sabbatical leave is of ten weeks duration and is paid at the teacher's normal salary.

**Note 1:** *These awards shall be allocated in accordance with the application process and criteria to be developed by the parties in consultation with New Zealand School Trustees Association by 1 June 2011.*

**Note 2:** *A teacher in receipt of the allowance for the Kāhui Ako Teacher (across community) role may apply for Sabbatical Leave to be taken while they hold that role provided that any application has the support of their employing board which shall consider the needs of the wider Kāhui Ako.*

#### **6.6.8 Meetings of Statutory and Local Authorities**

(a) The employer may grant a teacher leave with pay plus necessary travelling time to attend meetings of statutory, local, Māori and other authorities (or in other circumstances leave without pay may be granted to attend such meetings).

(b) For the purposes of clause 6.6.8(a) the following are recognised Māori authorities/organisations:

- (i) New Zealand Māori Council;
- (ii) Māori Women's Welfare League;
- (iii) Tribal Trust Boards;
- (iv) Iwi authorities;
- (v) Runanga-A-Iwi.

## APPENDIX B – THE NEW SOUTH WALES TEACHERS LONG SERVICE LEAVE PROVISIONS

### 4.7.1 Extended leave - general

While the term ‘long service leave’ has been commonly used in the teaching service, permanent and temporary teachers receive extended leave in accordance with Part 4, Division 5 of the *Teaching Service Act 1980* and Determination 6 of 2006. Long Service Leave as provided by the *Long Service Leave Act 1955* is only available to casual teachers. Teachers who work in either a permanent or temporary role and in a casual capacity may have both an extended leave and long service leave entitlement dependent on their service. Refer to section 4.7.19 for long Service Leave.

With the 2018 rollout of the SAP HR Payroll system, changes have been made to the accrual of extended leave and long service leave. In addition to this handbook chapter, further information can be found in the [Leave Simplification Factsheet – Extended Leave and Long Service Leave for Teachers](#).

### 4.7.2 Extended leave accrual

The accrual of extended leave is calculated on working days that is Monday to Friday. This is a change from the long standing practice of extended leave accruing in calendar days that included weekends.

The new accrual rate is:

- a) 44 working days for 10 years of service. Extended leave is accessible on a pro-rata basis after 7 years of service;
- b) 11 working days per year after 10 years of service;
- c) Pro rata accrual for periods of part time work, including work under a part time leave without pay arrangement.

Permanent part time teachers, part time temporary teachers and teachers on part time leave are eligible for extended leave on the same basis as that of full time teachers however the entitlement is calculated and paid on a pro-rata basis.

For more details see the tables of extended leave accrual at section 4.7.18.

### 4.7.3 Taking extended leave

Employees are entitled to take extended leave after the completion of seven years’ service in accordance with the following provisions.

- a) The minimum period of extended leave that may be taken is half a day.
- b) Extended leave is calculated on a five day week basis.
- c) Except as outlined in e) below, when extended leave is taken during service, leave commences from the first working day of absence and expires on the day before resumption of duty.
- d) In the case of a part time teacher the extended leave continues until the day prior to the next working day of the part time program.
- e) If a period of extended leave is taken immediately prior to a school vacation, extended leave expires on the last day of term.
- f) Public holidays that fall whilst a teacher is on a period of extended leave will be paid and not debited from a teacher’s leave entitlement.
- g) Extended leave will not be granted on a part time basis.
- h) Teachers are eligible to take a combination of leave without pay and extended leave. The extended leave must precede the leave without pay except in the case where the leave is being taken prior to resignation or retirement. Irrespective of teachers’ entitlements, they do not have to exhaust accrued extended leave prior to the commencement of leave without pay.

### 4.7.4 Double pay extended leave

- a) A teacher with an entitlement to extended leave may elect to take leave at double pay. The additional payment will be made as a taxable allowance payable for the period of the absence from

work. The teacher's leave balance will be debited for the actual period of the absence from work and an equivalent number of days as are necessary to pay the allowance will be deducted.

b) The allowance is not superable for members of the closed NSW public sector superannuation schemes: the State Superannuation Scheme and the State Authorities Superannuation Scheme. The allowance is superable for members of First State Super or another complying fund of their choice.

c) Other leave entitlements and service benefits will accrue at the single time rate where a teacher takes extended leave at double pay.

d) Where a teacher elects to take extended leave at double pay, a minimum period of one week should be taken.

e) Public holidays that fall during a period of double pay extended leave will not be debited from a teacher's leave entitlement. An additional leave day will be debited to fund the allowance.

f) Double pay extended leave may only be combined with another form of unpaid leave.

#### **4.7.5 Applications for extended leave**

a) Applications for extended leave should be submitted at least three (3) months in advance. Teachers seeking to proceed on leave on day 1 of term 1 are to submit their leave application at least three (3) months prior to the end of the school year.

b) Should special circumstances arise such as compassionate or other good reason, shorter notice may be accepted.

c) There are no restrictions as to when a period of extended leave may be taken but prior to submitting an application for leave, teachers should exercise their professional judgement with regard to the impact of such leave on the students in the school.

d) In exercising their professional judgement, teachers should also consider the educational and other advantages including vacation pay entitlements, in taking extended leave for a whole school term or terms.

e) If the period for which leave has been applied is not convenient to the school because of reasons such as staffing difficulties, educational programs and student needs, then a mutually convenient time may be negotiated between the principal and the teacher. The personal circumstances of the teacher will also be a relevant factor in negotiating an alternative period of leave.

f) Extended leave accrued between five (5) and seven (7) years cannot be taken as leave. The monetary value of this leave may be paid on resignation or termination of services depending upon the reason (see sections 4.7.14 and 4.7.15).

**NOTE: Teachers must check that extended leave applications have been approved prior to making any financial commitments.**

#### **4.7.6 Employment while on extended leave**

Teachers are not permitted to undertake paid employment (including temporary or casual employment) whilst on extended leave with the exception of:

- educational employment while interstate or overseas; or
- cases where the Department determines approval is appropriate and alternate arrangements cannot be negotiated.

#### **4.7.7 Payment of salary while on extended leave**

a) Extended leave may be taken on full, half or double pay or as a combination thereof after completion of seven or more years of paid service.

b) Extended leave on half pay will only accrue vacation pay and entitlements at half the normal rate.

c) Extended leave on double pay accrues vacation pay and entitlements at the normal, single time, rate.

d) Teachers approved extended leave may request to be paid in advance for those pay days occurring during a period of extended leave. Although vacations are not debited as extended

leave, where extended leave is taken immediately before or after, or spans a student vacation, and payment in advance is requested, pay in advance is also made for those pay days that fall within the vacation period.

e) Requests for payment in advance for leave must be made to ED Connect HR Shared Services by phone or via an online query, after the teacher's leave request is approved by their principal or line manager.

f) Where the leave spans a financial year, the teacher may request to be paid in two lump sums. In this case one payment will be made at the commencement of the leave and a further payment made in the first pay period in the following financial year.

#### **4.7.8 Payment of allowances while on extended leave**

a) Subject to d) below, annual allowances specified in the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2017* are payable while on extended leave.

b) A principal's expense allowance is payable while on extended leave.

c) Where the conditions of section 1.5.2.5 (b) are met, payment of a higher duties allowance is limited to an aggregate period of 21 days in any period of twelve (12) months.

d) Locality allowances paid under the provisions of the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2017* are not payable while on extended leave.

e) Living, disability and travelling allowances are not payable while on extended leave.

f) Allowances which are paid on a daily basis are not payable while on extended leave.

g) Where an employee takes double pay extended leave any allowances will be paid at the single rate only.

#### **4.7.9 Effect of leave without pay on extended leave**

a) Except for the circumstances outlined in c) below, prior to the completion of ten (10) years paid service, leave without pay does not count as service for extended leave purposes.

b) On completion of ten years paid service, leave without pay counts as service under the following conditions:

- any period of leave without pay taken prior to 13 December 1963;
- any period of leave without pay (including maternity, adoption, altruistic surrogacy and parental leave without pay) not exceeding six (6) months taken after 13 December 1963.

c) Irrespective of a teacher's length of service, absences without pay count as service for extended leave purposes in the following circumstances:

- periods of sick leave without pay not exceeding six months;
- periods during which workers' compensation is being paid by the Fund Manager;
- absences due to major interruptions to public transport;
- absences without pay for military purposes.

d) Unauthorised absences do not count as service for extended leave purposes irrespective of a teacher's length of service.

#### **4.7.10 Right of return**

a) Teachers will have a right of return to their school following a period of extended leave.

b) Right of return may be affected if extended leave is combined with another form of leave, depending on the type of leave and the length of absence. For example, where a teacher takes extended leave and then immediately proceeds on leave without pay for three years then they will lose right of return to their substantive position.

#### **4.7.11 Extended leave in conjunction with other leave**

a) Where a teacher has exhausted their family and community service leave entitlement or requires further leave in compassionate circumstances, a teacher may apply to take accrued extended leave.

b) Teachers wishing to have a period of half or no pay leave followed with extended leave should indicate this when making the application for leave.

#### **4.7.12 Sickness while on extended leave**

a) A teacher who becomes ill while on extended leave and who has sick leave to credit, may apply to have the extended leave recrated. To be eligible for a recredit of extended leave the teacher must have been ill for a period of at least five (5) continuous working days during the extended leave.

b) An application under this clause must be accompanied by a medical certificate stating the nature and duration of the illness.

c) This provision applies to teachers on extended leave prior to retirement. It does not apply to teachers on extended leave prior to resignation or termination of services.

d) A teacher's vacation entitlement will not be reduced in situations where the whole or part of a period of extended leave is recrated to sick leave and the leave would not otherwise have incurred a reduction in vacation entitlement.

Sickness while on extended leave is the only circumstance in which extended leave will be recrated.

#### **4.7.13 Vacation pay entitlement**

##### **4.7.13.1 General**

a) Vacation pay entitlements for teachers are determined in accordance with the provisions of Determination 6 of 2016 - Annual Leave and Payment for Non-Attendance by Teachers in Non Term Weeks.

##### **4.7.13.2 Effect of extended leave on half pay**

a) Where extended leave is taken on half pay it will attract half pay vacations and half pay leave entitlements.

#### **4.7.14 Payment on resignation or retirement**

a) Teachers who resign, retire or whose services are terminated, having completed seven (7) years paid service, are paid the monetary value of any extended leave balance.

b) Where a teacher who has not completed seven (7) years actual service but has completed seven (7) consecutive school years' service, resigns or retires for any reason, payment of the monetary value of proportionate extended leave will be granted provided:

- the teacher has not been granted leave without pay and/or taken unauthorised absence;
- the non-completion of ten (10) years actual service is due to the differential dates in the commencement of the school year.

c) Where the services of a teacher with at least five (5) years' service but less than seven (7) years' service are terminated by the Secretary for any reason other than the teacher's serious and wilful misconduct, payment of the monetary value of proportionate extended leave on the basis of 1 month for five year service is made.

d) Teachers with at least five (5) years but less than seven (7) years' service and who retire or resign on account of illness, incapacity or domestic or other pressing necessity, are paid the monetary value of any proportionate amount of leave on full pay accrued on the basis of 1 month leave for 5 years' service. Pressing necessity may include marriage, family responsibilities or the impending birth of a child.

e) Teachers with less than seven (7) years' service should indicate the reason for leaving the service in the appropriate space on the separation form so that full consideration may be given to whether they are entitled to a proportionate payment of extended leave.

f) If a teacher is eligible for payment of extended leave on resignation or retirement, it is not necessary to apply for their entitlement as it is automatically calculated and is deposited in the same account to which salary is normally paid.

g) Where a teacher is resigning to accept employment with a NSW government department the teacher should indicate on the separation form whether they wish for payment to be made for extended leave or for their accrued extended leave entitlement to be transferred to their new employer.

#### **4.7.15 Payment in the event of death**

a) Where a teacher who is eligible for extended leave, dies before taking such leave or while on leave, the monetary value of leave for which payment has not already been made will be paid to:

- the spouse of the deceased teacher or if none;
- the children of the deceased teacher or if none;
- any eligible dependent relative of the deceased teacher or if none;
- the personal representative of the deceased teacher (ie the estate).

b) These provisions also apply to a teacher who dies after completing more than five (5) years paid service but less than seven (7) years of service.

#### **4.7.16 Extended leave prior to resignation or retirement**

a) Teachers who take extended leave immediately prior to resignation or retirement can indicate whether or not they are going to relinquish their position from the commencement of the period of leave. An appropriate election should be made with the application for leave.

b) While it is not compulsory to relinquish a position, in these circumstances it will assist the school in respect of staffing.

#### **4.7.17 Recognition of prior service**

##### **4.7.17.1 Recognition of NSW government service**

a) The following periods of service shall be recognised as service for extended leave purposes:

- all periods of permanent full time or part time teaching, whether broken or continuous service with the NSW Department of Education;
- all periods of temporary full time or part time teaching, whether broken or continuous service with the NSW Department of Education;
- all periods of prior permanent and temporary full time or part time service under the *Government Sector Employment Act 2013*, *Public Sector Employment and Management Act 2002*, *Public Sector Management Act 1988* and/or the *Public Service Acts 1902 and 1979*, the *Teaching Services Act 1970* or the *Teaching Service Act 1980*;
- all casual **supply** teaching service with the NSW Department of Education prior to 20 May 1985, whether continuous or broken;
- all continuous casual teaching service (supply and relief) with the NSW Department of Education from 20 May 1985. Continuous service is defined by the *Long Service Leave Act 1955*.

Generally, a break in service in excess of two (2) months between:

- periods of casual teaching; and
- ceasing duty as a casual teacher and entering on duty as a temporary or permanent teacher will break continuity of service.

School vacations or approved leave are not counted in the two (2) months period, nor do they constitute a break in continuity of service.

b) Previous periods of permanent and temporary full time and part time teaching service are automatically recognised and where appropriate credited at the time a teacher is re-employed.

c) Teachers who have previously been employed in the Public Service or by the NSW Technical & Further Education Commission must make written application to the relevant EDConnect HR Shared Services for recognition of such service. A Statement of Service from the previous employer must accompany the request.

##### **4.7.17.2 Recognition of other service**

a) Teaching service overseas or service with a private school in Australia is not recognised for extended leave purposes.

b) In some circumstances previous teaching service with other State or Commonwealth Departments of Education or service other than teaching with a Governmental authority of the Commonwealth or another state or a New South Wales authority may be recognised for extended leave purposes.

#### **4.7.17.3 Basis for recognition**

A teacher who commenced employment with the Department after 1 January 2006, who had a period of service with a Commonwealth, interstate or NSW public sector agency and whose service is continuous shall have such service recognised in accordance with the requirements of Schedule 2 of the Government Sector Employment Regulation 2014[External link](#)

A teacher who commenced employment with the Department prior to 1 January 2006 and who had a period of service in the public service of another state, the Commonwealth, a declared authority under the Transferred officers Extended Leave Act 1961[External link](#), or in the armed forces of the Commonwealth of Australia and whose service is continuous shall have such service recognised in accordance with the requirements of the Transferred officers Extended Leave Act 1961[External link](#).

#### **4.7.17.4 Criteria for Eligibility**

a) Under Schedule 2 of the Government Sector Employment Regulation 2014[External link](#) teachers eligible for recognition of service are those who:

- commenced employment with the NSW Department of Education and training after 1 January 2006; and
- were previously employed in a Commonwealth, interstate or NSW government agency declared as such on the list of declared bodies on the Public Service Commission's website[External link](#).

b) Under the Transferred officers Extended Leave Act 1961[External link](#), teachers eligible for recognition of service are those who:

- transferred from a department of the Commonwealth or of any state public service to which the various Public Service Acts apply or from the armed forces of the Commonwealth of Australia and were employed by the Department subsequent to 24 March 1961; or
- transferred from a Governmental authority of the Commonwealth or another state or a NSW authority and were employed by the Department on or subsequent to the date of publication of a notice in the Government Gazette that such a governmental authority or state authority is declared to be an employer under the Act.

#### **4.7.17.5 Criteria for continuous service**

a) For the purpose of the Transferred officers Extended Leave Act 1961[External link](#) service shall be deemed to be continuous under the following circumstances:

- if the teacher entered on duty in the Teaching Service on the next working day following cessation of employment with the former declared employer;
- if the teacher was accepted for employment by the NSW Department of Education prior to the last day of service with the former governmental employer, in which case a break of up to two months may be allowed between cessation of duty with the former governmental employer and commencement of duty in the Teaching Service;
- if having served with the armed forces of the Commonwealth of Australia during or partly during a period of war in which the Naval, Military or Air Forces of Australia were engaged, or having served in an area prescribed as an operational area for the purposes of subsection two of Section 4 of the Act, commenced employment in the Teaching Service within twelve months after ceasing service with the armed forces; or
- if a teacher, with former governmental service recognised by the Transferred officers Extended Leave Act 1961[External link](#), undertakes an approved course of teacher training and on completion of the course is immediately appointed as a teacher. In this case the period of teacher training does not count as service for extended leave purposes but is not regarded as a break in service for the purposes of the above Act.

b) For the purpose of Schedule 2 of the Government Sector Employment Regulation 2014[service](#) shall be deemed to be continuous under the following circumstances:

- if the teacher entered on duty in the Teaching Service up to two months following cessation of employment with the former declared employer;

- if the earlier period comprises full-time war service as a member of the Australian Defence Force, where the service occurring during, or partly during, a period of war in which the Australian Defence Force is engaged, or is service of a kind declared by the regulations to be war service for the purposes of Schedule 2 of the *Government Sector Employment Regulation 2014*, commenced employment in the Teaching Service within twelve months after ceasing service with the armed forces; or
- if a teacher, with former governmental service recognised by Schedule 2 of the *Government Sector Employment Regulation 2014*, undertakes an approved course of teacher training and on completion of the course is immediately appointed as a teacher. In this case the period of teacher training does not count as service for extended leave purposes but is not regarded as a break in service.

#### **4.7.17.6 Service recognition**

- a) With the exception of teachers who transfer from a former declared NSW Public Sector Authority or recognised NSW public sector agency no monetary liability shall be accepted for any extended leave accrued with another employer. Where applicable, the teacher shall be paid the monetary value for such leave by the previous employer and recognition shall only be granted for the period of service.
- b) If a teacher transfers within the meaning of the Regulation, to the Teaching Service from a declared NSW Public Sector Authority or recognised NSW public sector agency, monetary liability for accrued extended leave will be accepted by the Department provided that the teacher does not accept payment on resignation from the previous employing authority.
- c) Where a teacher is employed by the Department and has had previous service with a declared employer under the *Transferred officers Extended Leave Act 1961* or with a recognised commonwealth, interstate or NSW government agency under Schedule 2 of the *Government Sector Employment Regulation 2014* recognised as service for extended leave purposes, all previous service accepted by the prior employer for extended leave purposes shall be credited.
- d) As a general rule, a teacher becomes entitled to extended leave in respect of the total period of acceptable service less leave paid for or taken during service.

#### **4.7.17.7 Procedures for recognition of service**

- a) In order to apply for recognition of previous service with a state or Commonwealth authority, teachers should submit a written request to the relevant Employee Services Centre, and accompany the application with a statement of service from the previous employer. The statement of service should indicate the period or periods of employment, the FTE of the service, details of any leave without pay or unauthorised absences (or confirmation of nil leave taken) and where appropriate details of extended leave taken during service or for which payment in lieu of leave was made on cessation of employment.
- b) Teachers requesting recognition of service with the armed services of the Commonwealth of Australia should make application to the relevant Employee Services Centre for recognition of such service and accompanying the application with a copy of their service record from the Department of Defence.
- c) Teachers initially employed as a temporary or casual teacher who meet the “continuous service criteria” may also be eligible (under the *Transferred officers Extended Leave Act 1961* or *Schedule 2 of the Government Sector Employment Regulation 2014*) to claim recognition of previous service.

#### 4.7.18 Extended leave accrual tables

**Table 1 - Extended Leave Entitlements for 7 to 10 Years of Completed Service**

**Period of Service** **Period of Leave Due**

7	30.8 days
8	35.2 days
9	39.6 days
10	44 days

5 to 10 years' service: accrual per week – 0.0843 days. Accrual per day – 0.0169 days

**Table 2 - Extended leave entitlement for completed years of service of 10 years or more**

**Period of Service** **Period of leave due**

10 years	44 days
11 years	55 days
12 years	66 days
13 years	77 days
14 years	88 days
15 Years	99 days
16 years	110 days
17 years	121 days
18 years	132 days
19 years	143 days
20 years	154 days
21 years	165 days
22 years	176 days
23 years	187 days
24 years	198 days
25 years	209 days
26 years	220 days
27 years	231 days
28 years	242 days
29 years	253 days
30 years	264 days

After 10 years' service: accrual per week – 0.2108 days. Accrual per day

**Table 3 - Extended leave entitlement for service for part of a year after 10 years**

Period of service	Additional days due
1 month	0.9
2 months	1.8
3 months	2.8
4 months	3.7
5 months	4.6
6 months	5.5
7 months	6.4
8 months	7.3
9 months	8.3
10 months	9.2
11 months	10.1
12 months	11

**4.7.19 Long service leave – general**

Long Service Leave as provided by the *Long Service Leave Act 1955* is only available to casual teachers. Teachers who work in either a permanent or temporary role and in a casual capacity may have both an extended leave and long service leave entitlement dependent on their service. Refer to sections 4.7.1 – 4.7.18 for Extended Leave.

Long service leave is available to casual teachers as a monetary payment in accordance with 4.7.19.6 upon cessation or termination of employment and may also be taken as leave in certain circumstances in accordance with 4.7.19.7.

For the purpose of this provision, ‘cessation’ refers to the end of a casual engagement ie the casual employee is no longer nominated against a casual position in a school whereas ‘termination’ refers to the termination of the employment relationship by either the department or the employee through a formal resignation or retirement.

**4.7.19.1 Eligibility**

a) In order to be eligible for long service leave, a teacher must have completed ten or more years of continuous service.

b) For the purpose of determining eligibility, service includes:

- Permanent and temporary teaching service that merges continuously with service as a casual teacher;
- Casual teaching service if continuous with any other casual permanent or temporary service.
- A break of up to two months exclusive of school vacations will not break continuity of service.

**4.7.19.2 Supply casual teachers – prior to 20 May 1985**

a) Unless already recognised on permanent or temporary teacher appointment for Extended Leave purposes prior to transferring to SAP payroll, the following supply casual service prior to 20 May 1985 will be recognised:

- All full time supply service, continuous or broken;
- Permanent or temporary teaching service which precedes or follows supply casual service;
- Leave granted on full or half pay;

- Unpaid sick leave taken prior to January 1969, which would, in current terms, qualify for payment.
- Regular part time supply service.

b) Relief casual teaching service is not recognised

#### 4.7.19.3 Casual teaching – post 19 May 1985

a) On and from 20 May 1985 all continuous casual service will be recognised in accordance with the provisions of the *Long Service Leave Act 1955*.

b) Continuous service will be determined in accordance with the provisions of the *Long Service Leave Act 1955*.

c) The following absences, where they occur during a period of casual employment, count as service for long service leave purposes:

- absences caused by the casual teacher under the terms of their employment, for instance, all periods of approved, paid leave;
- absences due to illness or injury, including unpaid sick leave. In terms of unpaid sick leave, the casual teacher must, in each case that absence on account of illness or injury is required to be considered as service, provide written notification of the absence to ED Connect. Where the absence exceeds three consecutive days, a medical certificate must be provided to ED Connect for the absence to be considered as service.

d) The following interruptions in service, whilst not counted as service, do not break the continuity of service:

- absences arising directly or indirectly from an industrial dispute (including industrial action);
- absences on and from 9 October 2000 by reason of unpaid maternity, adoption or paternity leave granted to a casual teacher in accordance with Part 4 of the *Industrial Relations Act 1996* as in force at the time of commencement of the leave;
- absences for any cause by leave of the Department. This relates to all periods of unpaid leave (other than unpaid sick leave as referred to in c) above) to which the employee is entitled and which is approved by the Department;
- interruptions in service for other reasons where the casual teacher returns to the services of, or is re-employed by, the Department within two months of the date on which service was interrupted. Student vacations are not counted in the two month period, nor do they constitute a break in service.

e) Any break in continuity of service, as defined in the Act, will mean that service prior to the break will not count for the purpose of determining a teacher's eligibility to long service leave or the entitlement. A casual teacher who has become eligible for long service leave in accordance with 4.7.19.1 will retain their entitlement irrespective of any break in continuity occurring after becoming eligible.

#### 4.7.19.4 Other service

a) The following periods of NSW Government service shall be recognised as service for long service leave purposes:

- all periods of prior full time or part-time permanent or temporary teaching that merges continuously with, service with the NSW Department of Education;
- all periods of prior continuous permanent and temporary full time or part time service under the *Government Sector Employment Act 2013*, *Public Sector Employment and Management Act 2002*, *Public Sector Management Act 1988* and/or the *Public Service Acts 1902 and 1979*, the *Teaching Services Act 1970* or the *Teaching Services Act 1980*;

b) In some circumstances previous teaching service with other State or Commonwealth Departments of Education or service other than teaching with a Government authority of the Commonwealth or another state or a NSW authority may be recognised for long service leave purposes under the provisions of the *Transferred Officers Extended Leave Act 1961* that merges continuously with service with the NSW Department of Education.

#### **4.7.19.5 Entitlement**

a) Provided eligibility for long service leave has been established, the method of calculating the entitlement to long service leave is solely based on the casual service as follows:

- 2 months (44 days) long service leave on completion of 10 years' service; and thereafter:
- 1 month (22 days) long service leave for each 5 years subsequently completed. Pro-rata is only available in case of termination and is based on completed years.

b) Where the services of a teacher are terminated by the Secretary for any reason, other than the teacher's serious and wilful misconduct, or by the teacher on account of illness, incapacity or domestic or other pressing necessity and the teacher has five (5) or more years' service, but less than ten (10) years, the teacher will be eligible for a monetary payment of long service leave on the basis of one month for five years' service and thereafter on a proportionate basis.

c) Where service for long service leave purposes includes eligible periods of permanent or temporary service, entitlement for long service leave will be proportional to the number of years' of active casual service only. For example:

A teacher works continuously for 5 years as a casual teacher and then accepts a full time temporary position for 3 years, after which they return to casual teaching (with no break in service). After another 2 years of casual work, the teacher will have completed 10 years of continuous service and be eligible for long service leave. Their long service leave entitlement will be based on 7 years of casual service (30.8 days) and they will have accrued extended leave of 13.2 days in respect of their temporary teaching service. The two are separate entitlements and can only be taken or paid out in respect of the role in which they accrued.

d) Casual service recognised for the purpose of extended leave prior to migrating to SAP will not be factored for the purpose of calculating the entitlement to long service leave as it is factored into the extended leave balance.

#### **4.7.19.6 Payment of Long Service Leave**

a) Long service leave is paid at the average weekly earnings as a casual teacher over the last 12 months or the last 5 years whichever is the greater. For the purpose of this calculation the 12 months or 5 years will be that period immediately prior to the first day of leave or the last day of active casual engagement.

b) On termination of employment, the 12 months or 5 years will be that period immediately prior to the day of separation. Payment commences from the day following termination of employment, irrespective of whether a vacation follows or not.

c) On termination of employment, casual teachers who consider that they have established an entitlement, should make an application to EDConnect for payment of the monetary value of long service leave.

d) On the death of a casual teacher who has an entitlement to long service leave the Department will, upon written request, pay to the teacher's estate the monetary value of the entitlement.

#### **4.7.19.7 Granting of Long Service Leave**

a) A casual teacher with ten (10) years' service may make an application to take long service leave as leave, provided that the teacher is employed by the Department immediately prior to the first day of long service leave, or to be paid the value of long service leave on cessation. Where the employee has an active casual engagement, an application for long service leave endorsed by the relevant Principal/Manager must be submitted to EDConnect at least three months in advance of the first day of leave.

Where the employee has ceased casual employment ie not in an active position in a school, a payment in lieu of leave application for LSL may be made to EDConnect.

b) In accordance with s 4(3)(b) of the *Long Service Leave Act, 1955* leave may be taken or payment made for one continuous period, or subject to approval of the Secretary, in the following separate periods and not otherwise:

- where the amount of leave is two months, in two separate periods;
- where the amount of leave exceeds two months and does not exceed nineteen and one half weeks, in two or three separate periods;
- where the amount of leave exceeds nineteen and one-half weeks, in two, three or four

separate periods.

This means that:

- after 10 years of service the employee's entitlement can be accessed on one or two separate occasions
- after 15 years, on one, two or three separate occasions (cumulative)
- after 20 years, on one, two, three or four occasions

c) Payment during Long service leave is on the same basis as that provided at cl 4.7.19.6 (a).

d) Applications for long service leave must be submitted to EDConnect at least three months in advance of the first date of leave unless otherwise approved by the Department.

e) A casual teacher will not be approved to take long service leave on half pay.

f) Long service leave may not be used to make up salary whilst on another form of leave, nor taken during a school vacation period.

g) A casual teacher does not have right of return to any position previously occupied at the conclusion of a period of long service leave except where the teacher had originally been engaged for a period beyond the last date of long service leave granted. In such circumstances, the teacher's application for leave must have the support of the relevant principal(s).

**Last updated:** 06-May-2021

**In addition NSW teachers can access this scheme:**

#### **4.5 Deferred salary scheme**

a) The deferred salary scheme is a five year scheme whereby participants electing to join the scheme will defer part of their salary for the first four years of the scheme and will be paid the deferred salary in the fifth year (the deferred salary leave year).

b) The purpose of the scheme is to allow participants to take a year away from their position in the Department for professional development and renewal experiences such as industry experience, post graduate study, working in overseas education systems or other activities.

c) The deferred salary scheme applies to permanent teachers. Temporary and casual school teachers are not eligible to join the scheme.

d) The Deferred Salary Scheme Procedure can be accessed on the Department's intranet site at: <https://education.nsw.gov.au/content/dam/main-education/about-us/jobs-and-opportunities/media/documents/deferredsalary>