

Portability of Long Service Leave and Sick Leave Transfer of Entitlements

Introduction

- LEA Policy and Industrial Agreements in the various states provides for portability of Long Service Leave and Sick Leave entitlements for all employees between Lutheran schools in Australia.
- Entitlements are in accordance with the Awards Agreements in force in the respective state.

Long Service Leave

Long service leave entitlements are conditional on continuous service and there is no distinction based on the tenure of the employment ie whether the employment was temporary or permanent.

Where employees transfer between Lutheran schools in Australia their accrued Long Service Leave entitlements shall be transferred with them, subject to the following conditions.

1. Within a month of the employee transferring from one Lutheran School to another, the School from which the employee is departing shall forward to the employing School an amount equal to the value of Long Service leave entitlements accrued at the time of transfer.
2. The 'Long Service Leave and Sick Leave Entitlements Transfer Form' and the 'Long Service Leave Record Form' shall be completed on behalf of the employee and forwarded to the employing school with the payment. Calculations of the entitlement shall also be forwarded.
3. Should any employee who transfers from one School to another School, with the value of accrued Long Service leave entitlements also being transferred, resign, retire or be dismissed, before being entitled to receive pro-rata Long Service Leave, the amount paid on transfer for the value of accrued Long Service leave entitlement will be refunded to the original employing School(s).
4. When the payment for accrued Long Service Leave entitlements are made to the receiving School, the School initiating the transfer has no further liability in respect to the Long Service Leave Entitlement of the employee concerned.
5. If requested, the LCA Schools Departments in each state may assist the relevant Schools with this process by holding the funds for Long Service Leave transfers.

Schools wishing to access this service should make inquiries with the Schools Office in their region to ascertain if this is available.

6. Any reciprocal arrangements between LCA Schools for Long Service Leave entitlements transfer should be recorded on the attached form, with a copy retained by the parties involved and a copy sent to the LCA Schools Office in the region of the original employing school to be kept on file.

Sick Leave

Sick leave entitlements are conditional on continuous service and there is no distinction based on the tenure of the employment ie whether the employment was temporary or permanent.

Where an employee transfers between one Lutheran School in Australian and another, the employee's accrued Sick Leave entitlements shall be transferred, subject to the following conditions.

1. Within a month of the employee transferring from one Lutheran School to another, the School from which the employee is departing shall forward to the employing School the 'Long Service Leave and Sick Leave Entitlements Transfer Form' indicating the employee's number of hours of Sick Leave entitlement.

2. No payment for accrued Sick Leave is to be forwarded by the School from which the employee is departing to the employing school.
3. To limit the liability incurred from entitlements accrued at a previous School, the Sick Leave Emergency Fund has been established.
3. The School initiating the transfer has no liability in respect of the accumulated Sick Leave entitlement of the transferred employee.
4. Any reciprocal arrangements between LCA Schools for Sick Leave entitlements transfer should be recorded on the attached form, with a copy retained by the parties involved and a copy sent to the LCA Schools Department in the state of the original employing school to be kept on file.

Extended Leave Without Pay – Employee Not Returning to School

An employee who wishes to take approved extended leave without pay for up to 12 months **and** chooses to assist the school to find the most appropriate person to meet the needs of the school by offering **not** to return to the school at the end of the leave **and** is offered employment at another Lutheran school within **three months** upon completing the leave without pay shall be considered not to have broken service.

1. The leave shall not be counted as service.
2. The leave without pay shall be approved both by the Principal of the school and the Director of the region.
3. The Director shall assist the employee by advising appropriate schools in the region and the Directors of other regions that the employee is seeking employment in a Lutheran School.

Definition:

"Schools" include all educational institutions from early childhood to year 12.

References:

1. Sick Leave Emergency Fund

Date of effect:

This procedure shall be effective from 17th June 2005

LONG SERVICE LEAVE AND SICK LEAVE ENTITLEMENTS TRANSFER FORM

1. Name of Employee: _____
2. Name and State of LCA school initiating transfer: _____ + _____
3. Length of service by employee: _____ yr/s _____ day/s or _____ FTE
4. Hourly rate at time of transfer: \$ _____
5. Award/Certified Agreement Classification at time of transfer: _____
6. Anticipated date of transfer: ____ / ____ / ____
7. Name and State of employing LCA school receiving transfer: _____
8. Accrued Long Service Leave: Weeks/hours _____ (include pro-rata)
9. Total \$ amount being transferred \$ _____
10. Sick Leave – number of hours or days accrued: _____
11. Salary Continuance Plan Member: Yes/No

We, the undersigned, agree to abide by the terms and conditions of the LEA 'Reciprocal Arrangements for Long Service and Sick Leave entitlements transfer'.

_____ Date ____ / ____ / ____
Signed on behalf of LCA school initiating transfer

Print Name / Position _____

_____ Date ____ / ____ / ____
Signed on behalf of LCA school receiving transfer

Print Name / Position _____

_____ Date ____ / ____ / ____
Signed by Employee

Print Name / Position _____

Copy to: Employee
Original employer
Receiving Employer
LCA Schools Department (in the State of the original employer)

LONG SERVICE LEAVE RECORD FORM

Name of Employee: _____

1. Details of service in Australian Lutheran schools

School	From	To	Full-time equivalent or time in Years/months/days

2. Details of any Leave accessed during service in Lutheran schools

Include Long Service Leave, Annual Leave, Sick Leave, Parental Leave, Maternity Leave, Paternity Leave, Carers Leave, Study Leave, Special Leave, and unpaid Leave.

From - To	Reason for absence	LSL accrual affected Yes / No	LSL anniversary affected Yes / No (If Yes, please provide new anniversary date)