



## **CIRCULAR TO DEPARTMENTS AND AUTHORITIES No. 7 OF 2004**

### **RECOGNITION OF PRIOR SERVICE FOR THE PURPOSES OF CALCULATING LONG SERVICE LEAVE ENTITLEMENTS**

Currently, prior service with the Australian Government or another State is recognised for the purposes of calculating long service leave for some public sector employees as set out in awards, agreements, general orders and administrative instructions.

However, this recognition has not previously extended to prior service with the Australian Defence Forces (ADF) nor to all public sector employees employed in non public service agencies.

Following developments in the Commonwealth and other States and Territories, this benefit will now apply across the Western Australian public sector.

In calculating long service leave entitlements for all Western Australian public sector employees, prior employment with the Australian Government, Territories, other States and the ADF will now be recognised provided:

- a) the time between an employee ceasing previous employment and the commencement of employment in the Western Australian public sector (the break in service) is not more than:
  - (i) one working week; or
  - (ii) where an employee receives a payment on termination in lieu of leave accrued with the previous employer, one working week after the period for which payment in lieu of leave was made; or
  - (iii) such further period as determined by the Western Australian public sector employer.

If the various provisions regulating breaks in service for the purpose of long service leave in Western Australian public sector employment are more favourable, the more favourable provisions shall prevail.

- (b) pro rata long service leave is to be calculated in accordance with provisions that applied to the previous employment. The balance is calculated in accordance with the applicable Western Australian public sector long service leave provisions; and

- (c) when determining long service leave credits with the previous employer, any:
  - (i) leave taken; or
  - (ii) leave paid out; or
  - (iii) benefit received in lieu of leave is to be deducted.

Consistent with the terms of current employment instruments that apply to WA public sector employees previously employed in other public sector jurisdictions, the first period of long service leave for employees recruited from the ADF cannot be taken until a full entitlement to long service leave has accrued, and the employee has completed three years continuous services. The three years of continuous service requirement can only be waived by the agreement of the employer.

Any break in service between employment with the previous employer and the WA public sector employer, will not constitute 'service' for the purposes of calculating the length of service.

Prior service with the Commonwealth Government, Territories, other States or the ADF will not be recognised:

- (a) where an existing employee has already accrued a full entitlement for long service leave within the Western Australian public sector; and
- (b) in cases of summary dismissal or dishonorable discharge from the previous employer.

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