LONG SERVICE LEAVE
INTERSTATE PORTABILITY AGREEMENT

HEADS OF AGREEMENT

2010

1.0 Agreement

1.1 This Agreement is between all Catholic schools and Catholic school systems throughout Australia except those listed in Schedule 2.

1.2 This Agreement takes effect from 1 January 2010. It will operate until revoked by the National Catholic Education Commission.

1.3 This Agreement will be reviewed in 2014 and every five years thereafter.

1.4 This Agreement succeeds and replaces the terms of the previous Agreements applying to the Interstate Portability of Long Service Leave for Employees in Catholic Schools.

1.5 This Agreement confers long service leave entitlements, in accordance with its terms, on an Employee who commenced employment with a New Employer in another state or territory after 1 January 1992 for teachers and 1 January 1994 for non-teachers.

1.6 This Agreement provides that the Long Service Leave entitlement will be calculated and assessed at the normal rate of the substantive position held by the employee at the time of termination of employment with the Former Employer. Payment of the funds will be made to the New Employer within three months of the date of leave entitlement notification.

1.7 These terms are retrospective in their application. That is, the terms of the Agreement apply irrespective of when an Employer joins the Agreement. Further, the entitlement to long service leave recognises accrued service entitlements prior to the respective dates noted for eligibility in Clause 1.4.
1.8 Schedule 2 lists the Catholic schools that are not party to this Agreement. Schedule 2 will be amended from time to time when an Employer listed therein joins the Agreement.

2.0 Definitions

2.1 "Employee" means a person employed as a teacher or non-teacher in a Catholic school or Catholic Education Office.

2.2 "Employer" or "New Employer" means an authority responsible for the employment of Employees in Catholic schools.

2.3 "Former Employer" means an Employer who is party to this agreement by whom an Employee was employed immediately before being employed by a New Employer.

2.4 “Two Full school terms” means two full school terms as measured in accordance with the school calendar of the Former Employer, or two full School terms as measured in accordance with the school calendar of the New Employer, whichever period is the greater.

2.5 "Previous Continuous Service" means a period of service with a Former Employer (including a period or periods of service with any previous Employers) that is deemed to be continuous service.

3.0 Entitlement to Long Service Leave

3.1 An Employer will recognise the Previous Continuous Service of an Employee with a Former Employer in another state or territory for the purpose of long service leave entitlements in the new state or territory, if:

3.1.1 the Employee has advised the New Employer (normally within six months of commencement) of any entitlement to long service leave with a Former Employer;

3.1.2 the period of Previous Continuous Service with the Former Employer was not less than one (1) year; and

3.1.3 the period between the date of termination with the Former Employer and the date of commencement with the New Employer was no more than two full school terms.

For example, if an employee resigned their employment with a Catholic school in Tasmania (which is a party to this agreement) at the end of term 1, and subsequently commenced employment with a Catholic school in either NSW, NT, QLD, ACT, VIC, WA or SA, which is a party to this agreement, at the beginning of Term 1 the following year, the employee’s Long Service Leave entitlements and previous continuous service would be recognised by the new Catholic employer. This is because a Tasmanian school year...
consists of three school terms and, as such, the break in service would have been no more than two full (Tasmanian) school terms.

3.2 An Employer is not required to recognise a period of Previous Continuous Service of an Employee with a Former Employer if the Employee was paid out on termination.

3.3 However, notwithstanding Clause 3.2, all previous service with a Former Employer will be included in the calculation of the accrual rate of the long service leave provisions of the New Employer.

3.4 Approved leave without pay does not break the continuity of service. However, it will not be counted as part of the period of Previous Continuous Service, except where this is provided by relevant legislation or an industrial instrument.

3.5 An Employee may have been entitled to a pro-rata payment in respect of long service leave from a Former Employer, but did not receive a pro-rata payment upon termination. The Employee then commences employment with a New Employer. At a later date, the employment with the New Employer terminates.

In this circumstance, a New Employer must honour the pro-rata service entitlement with the Former Employer and any additional service with the New Employer. This is to apply whether or not the Employee is entitled to a pro-rata payment from the New Employer. This entitlement will be paid at the rate of pay of the Employee at the time of termination with the New Employer.

Where the pro-rata long service leave is paid by the Former Employer to the New Employer at the time of commencement with the New Employer it will be paid at the employee’s rate of pay at the time of termination from the Former Employer.

3.6 Nothing in this Agreement reduces an Employee's entitlement with respect to portability of long service leave that may currently exist on an intra-state or intra-territory basis.

Signed:

Chair, National Catholic Education Commission

Dated 20 April 2010
Schedule 1

SIGNATURE SHEET

The signature of the Director of each State/Territory Catholic Education Commission on this schedule signifies that all Catholic schools in that State/Territory, except any such Catholic schools listed in Schedule 2, are party to this Agreement.

Catholic Education Commission of Victoria .................................................................

Tasmanian Catholic Education Commission ..............................................................

SA Catholic Schools Commission ...........................................................................

WA Catholic Education Commission .......................................................................

NT Catholic Education Office ................................................................................

Queensland Catholic Education Commission ......................................................

Catholic Education Commission of NSW ............................................................

ACT Catholic Education Commission ....................................................................

Schedule 2

Catholic Schools excluded from the NCEC Long Service Leave Interstate Portability Agreement as at 1 January 2010.

Loreto Kirribilli – KIRRIBILLI - 2061

Loreto Normanhurst – NORMANHURST - 2076

Kincoppal-Rose Bay – ROSE BAY - 2029

St Aloysius College – MILLSONS POINT – 2061

St Lucy’s School – WAHROONGA – 2076

Stella Maris College – MANLY – 2095

St. Stanislaus College – BATHURST - 2795