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4.9 Long Service Leave (Extended Leave)

This section of the Handbook is currently being updated with details of the enhanced leave provisions that will allow the granting of long service leave (extended leave) after 7 years of completed service and the taking of long service leave (extended leave) at double pay. In the meantime any questions you may have about the new provisions can be referred to EDConnect on 1300 32 32 32.

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4.1 General

The following sections contain policy and procedures on the leave entitlements of permanent teachers.

Information on temporary teacher’s leave entitlements can be found in Chapter 8.

Casual teachers should read Chapter 9 for information on conditions of employment.

Teachers should be aware that when completing a leave form, the leave applied for should be stated in fractions of a day rather than hours.

When an absence involves part of a day, leave is granted for $\frac{1}{4}$, $\frac{1}{2}$ or $\frac{3}{4}$ of a day, as appropriate. When calculating leave any period of up to and including:

- 1½ hours is debited as one quarter of a day
- 3½ hours is debited as one half of a day
- 5¼ hours is debited as three quarters of a day

For the purposes of leave calculations a full time day, is seven hours for all permanent (full time and part time) teachers.

Online Leave Enquiry (Employee Self Service)

Teachers can obtain leave balances via the Department’s online leave enquiry service at www.schools.nsw.edu.au (click on “Employment With Us” then click on “Leave”). Through this service teachers can review their leave history, check current leave balances, forecast future leave balances and view their service details.

This service complements leave advisory services provided by district personnel support officers and state office leave teams.

A username and confidential password is required to access this service and is issued in the form of a personalised letter resembling a pay advice slip and marked “Online Leave Enquiry Service”.

Enquiries regarding access to the service should be directed to Teacher Services Unit, Newcastle State Office.
4.2 Adoption, Maternity and Parental Leave
4.3 Annual Leave Loading

4.3.1 General

a) When proceeding on annual leave, NSW government employees receive a special loading in addition to their normal salary.

b) In the case of teachers, payment of annual leave loading is determined as though they are eligible to accrue four weeks annual leave.

4.3.2 Eligibility and Entitlement

a) Teachers who complete twelve months continuous service as at 30 November are entitled to an annual leave loading equivalent to 17½% of four weeks normal salary, provided that payment cannot exceed the loading calculated on the maximum salary for a Clerk, Grade 12 in the public service.

b) In the case of teachers with less than twelve months service as at 30 November, entitlement is calculated on a pro rata basis.

4.3.3 Effect of Leave on Entitlement

a) Full pay leave and all workers’ compensation leave count as full service and accrue annual leave loading.

b) Leave on half pay will only accrue annual leave loading for half the total number of days of absence e.g. if a teacher takes 40 days long service leave on half pay only twenty days will accrue annual leave loading.

c) All categories of leave without pay and unauthorised absences will not count as service and do not accrue annual leave loading.

d) Teachers who take leave without pay during a school year and who have established an entitlement to vacation pay in the midsummer vacation, are entitled to pro rata payment for annual leave loading. Payment will be made as soon as possible after 30 November in the year in which the entitlement falls due.

e) Teachers on temporary release to outside bodies are entitled to a pro rata payment based on service with this Department. Any balance of the leave loading is payable by the outside body.

4.3.4 Calculation and Payment

a) For the purpose of calculating annual leave loading, the leave year commences on 1 December of each year and ends on 30 November of the following year.

b) Payment, based on a teacher’s salary rate as at 1 December is automatically paid as early as practicable in December each year.

c) With the exemption of the allowances listed in d) below, all allowances which are paid to a teacher on 1 December are included in the salary rate.

d) The following allowances do not attract annual leave loading:

- climatic and disability allowances;
- Lord Howe Island allowance;
- principals’ expense allowance;
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- incentive based allowances
- relieving allowance - except where the allowance is being paid at 30 November and has been paid for the preceding twelve months, or a teacher is appointed to relieve in a position for a whole school year. A whole school year is regarded for the purposes of this section as referring to the period from January to December in a year.

4.3.5 Broken Service

Broken service does not attract annual leave loading. If a teacher resigns and is subsequently re-employed during the same year, only the service from date of re-employment is recognised for annual leave loading purposes.

4.3.6 Relief Teaching

All relief casual teaching undertaken while a teacher is on leave without pay or unpaid maternity leave accrues annual leave loading.

4.3.7 Payment on Resignation or Retirement

a) Where the effective date of resignation or retirement is on or after 1 December, teachers are eligible for payment of annual leave loading based on service up until 30 November.

b) No pro rata payment is made where the effective date of resignation or retirement is prior to 1 December.
4.4 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.

4.5  Family and Community Service Leave and Personal Carer’s Leave
4.6 Leave in the Case of Natural Emergencies

4.6.1 Teachers who are unable to attend their own or another school because of floods, snowfall, bushfires or other natural emergencies may be granted family and community service leave.

4.6.2 Should a teacher exhaust their family and community service leave entitlement as a result of a natural emergency, consideration may be given to grant additional family and community service leave in the event of another natural emergency arising.
4.7 Leave for Sporting Fixtures
4.8 Leave Without Pay
4.9 Long Service Leave (Extended Leave)

This section of the Handbook is currently being updated with details of the enhanced leave provisions that will allow the granting of long service leave (extended leave) after 7 years of completed service and the taking of long service leave (extended leave) at double pay. In the meantime any questions you may have about the new provisions can be referred to the EDConnect on 1300 32 32 32.

4.9.1 General

The terms "long service leave" and "extended leave" are identical but the term "long service leave" is used throughout the Handbook as this is the commonly accepted terminology in the Education Teaching Service.

a) Applications for long service leave should be submitted at least three months in advance. Teachers seeking to proceed on leave on day 1 of term 1 are to submit their leave application at least three 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 given.

c) There are no restrictions as to when a period of long service 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 leave entitlements, in taking long service 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 relief 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) Long service leave may be taken on full or half pay or as a combination of full and half pay after completion of ten or more years of paid service.

g) Teachers are eligible to take a combination of leave without pay and long service leave. The long service 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 long service leave prior to the commencement of leave without pay.

h) Long service leave accrued between five and ten 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.

i) In the case of permanent part time teachers the same entitlements accrue, however leave is paid at the prevailing full time equivalent.

j) Teachers are not permitted to undertake paid employment (including temporary or casual employment) whilst on long service leave with the exception of educational...
employment while interstate or overseas.

k) Long service leave will not be granted on a part time basis.

l) Teachers will not be granted approval to work while on long service leave unless the Department determines that special circumstances exist.

4.9.2 Entitlement

4.9.2.1 Calculation of Entitlement

a) For service between five years and ten years:

i) on the completion of five years service the entitlement is one calendar month on full pay;

ii) for each completed year in excess of five years the entitlement is six calendar days;

iii) for each completed month of service after five years the entitlement is a half calendar day.

b) For service of ten years or more:

On completion of ten years service teachers are eligible for two calendar months leave on full pay and for fifteen calendar days for each completed year of service after ten years - refer to Table 1. Entitlement for portions of a year are detailed in Table 2.
Long Service Leave Entitlement for Completed Years of Service of 10 Years or More

Table 1

<table>
<thead>
<tr>
<th>Period of Service</th>
<th>Period of leave due</th>
</tr>
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<tbody>
<tr>
<td>10 years</td>
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</tr>
<tr>
<td>11 years</td>
<td>2 months 15 days</td>
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<tr>
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<tr>
<td>13 years</td>
<td>3 months 15 days</td>
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<tr>
<td>14 years</td>
<td>4 months</td>
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<tr>
<td>15 years</td>
<td>4 months 15 days</td>
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<tr>
<td>16 years</td>
<td>5 months</td>
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<tr>
<td>17 years</td>
<td>5 months 15 days</td>
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<tr>
<td>18 years</td>
<td>6 months</td>
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<tr>
<td>19 years</td>
<td>6 months 15 days</td>
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<tr>
<td>20 years</td>
<td>7 months</td>
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<tr>
<td>21 years</td>
<td>7 months 15 days</td>
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<tr>
<td>22 years</td>
<td>8 months</td>
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<tr>
<td>23 years</td>
<td>8 months 15 days</td>
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<td>24 years</td>
<td>9 months</td>
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<td>25 years</td>
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<td>11 months</td>
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<td>29 years</td>
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<tr>
<td>30 years</td>
<td>12 months</td>
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<td>31 years</td>
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<td>32 years</td>
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<td>13 months 15 days</td>
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<td>34 years</td>
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<td>35 years</td>
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<td>36 years</td>
<td>15 months</td>
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<td>37 years</td>
<td>15 months 15 days</td>
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<td>38 years</td>
<td>16 months</td>
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<td>40 years</td>
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<td>21 months 15 days</td>
</tr>
<tr>
<td>50 years</td>
<td>22 months</td>
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</table>
Long Service Leave Entitlement for Service for Part of a Year After 10 Years

Table 2

<table>
<thead>
<tr>
<th>Period of Service</th>
<th>Calendar days</th>
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<tbody>
<tr>
<td>12 days to 23 days</td>
<td>½</td>
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<tr>
<td>24 days to 1 month 5 days</td>
<td>1</td>
</tr>
<tr>
<td>1 month 6 days to 1 month 17 days</td>
<td>1½</td>
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<tr>
<td>1 month 18 days and less than 2 months</td>
<td>2</td>
</tr>
<tr>
<td>2 months to 2 months 11 days</td>
<td>2½</td>
</tr>
<tr>
<td>2 months 12 days to 2 months 23 days</td>
<td>3</td>
</tr>
<tr>
<td>2 months 24 days to 3 months 5 days</td>
<td>3½</td>
</tr>
<tr>
<td>3 months 6 days to 3 months 17 days</td>
<td>4</td>
</tr>
<tr>
<td>3 months 18 days and less than 4 months</td>
<td>4½</td>
</tr>
<tr>
<td>4 months to 4 months 11 days</td>
<td>5</td>
</tr>
<tr>
<td>4 months 12 days to 4 months 23 days</td>
<td>5½</td>
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<tr>
<td>4 months 24 days to 5 months 5 days</td>
<td>6</td>
</tr>
<tr>
<td>5 months 6 days to 5 months 17 days</td>
<td>6½</td>
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<tr>
<td>5 months 18 days and less than 6 months</td>
<td>7</td>
</tr>
<tr>
<td>6 months to 6 months 11 days</td>
<td>7½</td>
</tr>
<tr>
<td>6 months 12 days to 6 months 23 days</td>
<td>8</td>
</tr>
<tr>
<td>6 months 24 days to 7 months 5 days</td>
<td>8½</td>
</tr>
<tr>
<td>7 months 6 days to 7 months 17 days</td>
<td>9</td>
</tr>
<tr>
<td>7 months 18 days and less than 8 months</td>
<td>9½</td>
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<tr>
<td>8 months to 8 months 11 days</td>
<td>10</td>
</tr>
<tr>
<td>8 months 12 days to 8 months 23 days</td>
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<tr>
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<tr>
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<tr>
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<tr>
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<td>10 months 24 days to 11 months 5 days</td>
<td>13½</td>
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<td>11 months 6 days to 11 months 17 days</td>
<td>14</td>
</tr>
<tr>
<td>11 months 18 days and less than 12 months</td>
<td>14½</td>
</tr>
<tr>
<td>12 months</td>
<td>15</td>
</tr>
</tbody>
</table>

4.9.2.2 Effect of Leave Without Pay

a) Except for the circumstances outlined in c) below, prior to the completion of ten years paid service, leave without pay does not count as service for long service 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 not exceeding six months taken after 13 December 1963.

c) Irrespective of a teacher’s length of service, absences without pay count as service for long service 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;
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d) Unauthorised absences do not count as service for long service leave purposes irrespective of a teacher’s length of service.

4.9.2.3 Calculation of Leave

a) Long service leave is calculated on a seven day week basis, not a five day week basis.

b) Except as outlined in c) below, when long service leave is taken during service, leave commences from the first working day of absence and expires on the day before resumption of duty. For example if a teacher takes long service leave up to and including a Friday or requests long service leave as an alternative to leave without pay for a Friday, the period of long service leave concludes on the Sunday and the Saturday and Sunday are debited as long service leave. In the case of a part time teacher the long service leave continues until the day prior to the next working day of the part time program.

c) If a period of long service leave is taken immediately prior to a school vacation, long service leave expires on the last day of term and neither the weekend nor school vacation is debited as long service leave.

d) Weekends and/or public holidays occurring during a period of long service leave are debited as long service leave.

e) If long service leave is granted for a short period not immediately preceding a weekend or public holiday, the following conversion scale applies:

<table>
<thead>
<tr>
<th>Period Taken</th>
<th>Long Service Leave Debited</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day</td>
<td>1 day</td>
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<tr>
<td>2 days</td>
<td>3 days</td>
</tr>
<tr>
<td>3 days</td>
<td>4 days</td>
</tr>
<tr>
<td>4 days</td>
<td>6 days</td>
</tr>
</tbody>
</table>

f) The minimum period of long service leave that may be taken is half a day.

4.9.2.4 Advice Regarding Entitlement

a) A teacher may obtain their long service leave entitlement via the Department’s online leave enquiry service at [www.schoo ls.nsw.edu.au](http://www.schools.nsw.edu.au) (click on “Employment With Us” and then click on “Leave”).

b) Verbal advice regarding a teacher’s leave entitlement can be obtained from the personnel support officer in the local district office.

c) Teachers requiring written advice of their entitlements should forward a written request to Teacher Services Unit.

4.9.3 Payment of Salary While on Long Service Leave

a) When completing an application for leave, teachers should nominate their choice in respect of payment, as salary may be paid by normal fortnightly instalments or by lump sum payment in advance.

b) If a lump sum payment is requested but the period of long service leave spans two
financial years, teachers should consider electing to receive two payments so that taxation is levied in the financial year in which the salary is actually earned. In order to effect this, teachers should nominate one payment at the commencement of the leave and a second payment on or after 1 July.

c) Where a period of long service leave is taken immediately before or after a school vacation or spans a vacation, although the period of the vacation is not debited as long service leave, if payment in advance is requested, vacation pay is also paid in advance.

d) Where a teacher elects to take an advance payment, taxation instalments at the normal rate, superannuation and miscellaneous deductions are calculated for the whole period and the total amounts are deducted in advance.

### 4.9.4 Payment of Allowances While on Long Service Leave

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

b) A principal’s expense allowance is payable while on long service leave.

c) Payment of a higher duties allowance is limited to an aggregate period of 21 days in any period of twelve months.

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

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

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

### 4.9.5 Right of Return

a) Teachers have right of return to their school if they take a period of long service leave.

b) Dependent on the type of leave and length of absence, right of return may not be retained when long service leave is combined with another category of leave.

### 4.9.6 Long Service Leave Concurrent with Other Leave

a) Long service leave may be taken concurrent with another category of leave and utilised to supplement a period of half or no pay leave. For example half pay sick leave or half pay maternity leave may be taken concurrently with half pay long service leave, thus enabling the teacher to be paid full salary. Similarly, unpaid sick leave or unpaid maternity leave may be taken concurrently with full or half pay long service leave. Long service leave may not be taken concurrently to make up salary for the days of part time leave without pay or part time maternity leave without pay.

b) In compassionate circumstances such as those covered by family and community service leave, teachers may elect to take long service leave in lieu of no pay where they have exhausted their family and community service leave entitlement or because the length of absence is not covered by family and community service leave.

c) Teachers wishing to have a period of half or no pay concurrent with long service leave should indicate appropriately when making the application for leave.
d) Teachers should note that the long service leave is deducted on a seven day per week basis.

4.9.7 Sickness While on Long Service Leave

a) A teacher who becomes ill while on long service leave and who has sick leave to credit, may apply to have the long service leave recredited. To be eligible for a recredit of long service leave the teacher must have been ill for at least a period of five continuous working days. The five day period must occur during the long service leave.

b) The application must be accompanied by a medical certificate stating the nature and duration of the illness.

c) This provision applies to teachers on long service leave prior to retirement. It does not apply to teachers on long service 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 long service leave is recredited to sick leave and the leave would not otherwise have incurred a reduction in vacation entitlement.

4.9.8 Vacation Leave Entitlement

See Determination 3 of 2009 – Annual Leave and Payment for Non-Attendance by Teachers in Non Term Weeks.

4.9.9 Payment on Resignation or Retirement

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

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

- the teacher has not been granted leave without pay and/or taken unauthorised absence;
- the non-completion of ten 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 years service but less than ten years service are terminated by the Director-General for any reason other than the teacher’s serious and wilful misconduct, payment of the monetary value of proportionate long service leave is made.

d) Teachers who resign or retire having completed more than five years paid service but less than ten years service are paid the monetary value of proportionate long service leave where their reasons for leaving the service includes either illness, incapacity, domestic or other pressing necessity. Pressing necessity may include marriage, family responsibilities or the impending birth of a child.

e) Teachers with less than ten 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 long service leave.

f) If a teacher is eligible for payment of long service 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 long service leave or for their accrued long service leave entitlement to be transferred to their new employer.

4.9.10 Taxation on Long Service Leave

a) When long service leave is taken as a period of leave during service, taxation instalments are deducted at the normal rate in accordance with the teacher’s salary.

b) To avoid paying taxation at a higher instalment rate, teachers who take long service leave spanning two financial years and who require payment in advance, are advised to consider electing two payments - the first payment at the commencement of the leave and the second payment on or after 1 July.

c) When a long service leave payment is made on resignation or retirement, taxation instalments at the rate of 30 per cent (plus Medicare levy) are deducted from the total money value of unused long service leave accrued after 15 August 1978 and prior to 18 August 1993. Only 5 per cent of the amount attributed to long service leave accrued to 15 August 1978 is subject to tax at the same rate.

d) In the case of medical retirement, taxation instalments at the rate of 30 per cent (plus Medicare levy) are deducted from the total money value of unused long service leave accrued after 15 August 1978.

Long service leave accrued after 17 August 1993 is taxable at normal taxation rates.

The separate taxation rates after 17 August 1993 do not apply.

4.9.11 Long Service Leave Prior to Resignation or Retirement

a) Teachers who take long service 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.

4.9.12 Payment in the Event of Death

a) Where a teacher who is eligible for long service 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 years paid service but less than ten years of service.

4.9.13 Recognition of Prior Service

4.9.13.1 Recognition of NSW Government Service

a) The following periods of service shall be recognised as service for long service leave purposes:
• all periods of full time or permanent part time teaching, whether broken or continuous service with the NSW Department of Education and Training;

• all periods of temporary full time or part time teaching, whether broken or continuous service with the NSW Department of Education and Training;

• all periods of prior permanent and temporary full time or part time service under the 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;

• all casual supply teaching service with the NSW Department of Education and Training prior to 20 May 1985, whether continuous or broken;

• all continuous casual teaching service (supply and relief) with the NSW Department of Education and Training from 20 May 1985. Continuous service is defined by the Long Service Leave Act 1955.

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

• periods of casual teaching; and

• ceasing duty as a casual teacher and entering on duty as a permanent teacher

will break continuity of service.

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

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

c) Teachers with previous temporary teaching service should make written application to Teacher Services Unit for recognition of this service.

d) Teachers who have previously been employed in the Public Service or by the NSW Technical & Further Education Commission must make written application to Teacher Services for recognition of such service. A Statement of Service from the previous employer must accompany the request. (Refer 4.9.13.7).

e) Teachers who have had previous supply casual service (prior to 20 May 1985) or continuous casual service (from 20 May 1985) should make written application for recognition of casual teaching service to Teacher Services providing information regarding the school, district or region and dates where previous casual service has been undertaken.

The teacher’s application will be assessed in accordance with the provisions as outlined in a) above.

f) Teachers who have previously had supply casual teaching service (post 20 May 1985) recognised for long service leave purposes may apply for reassessment of their credit for prior service to take into account any relief
A reassessment will be made on the provisions of the *Long Service Leave Act 1955*. Should re-assessment under these provisions be more advantageous, such accreditation shall be applied with service previously recognised disregarded.

If re-assessment under these provisions reveals a lesser amount of creditable service due, the previous calculation of credit for prior service stands. Thus, a teacher will not be disadvantaged.

g) Casual teaching service is recognised as full time equivalent in accordance with the following formula:

\[
\text{number of days creditable casual service} \times \frac{1.79803}{365} = \text{number of years recognised service}
\]

\[
\text{decimal portion of recognised years service} \times 12 \text{ months} = \text{number of months recognised service}
\]

\[
\text{decimal portion of recognised months service} \times 30 \text{ days} = \text{number of days recognised service}
\]

### 4.9.13.2 Recognition of Other Service

a) Teaching service overseas or service with a private school in Australia is not recognised for long service 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 long service leave purposes under the provisions of the *Transferred Officers Extended Leave Act 1961*.

### 4.9.13.3 Basis for Recognition

A teacher 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*, 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*.

### 4.9.13.4 Criteria for Eligibility

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
4.9.13.5 Criteria for Continuous Service

For the purpose of the Transferred Officers Extended Leave Act 1961, service shall be deemed to be continuous under the following circumstances:

- if the teacher entered on duty in the Education 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 and Training 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 Education 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 Education 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, 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 long service leave purposes but is not regarded as a break in service for the purposes of the above Act.

4.9.13.6 Service Recognition

a) With the exception of teachers who transfer from a declared NSW Public Sector Authority no monetary liability shall be accepted for any long service 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 Act, to the Education Teaching Service from a declared NSW Public Sector Authority, monetary liability for accrued long service 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 recognised as service for long service leave purposes, all previous service accepted by the prior employer for long service leave purposes shall be credited.

d) As a general rule, a teacher becomes entitled to long service leave in respect of the total period of acceptable service less leave paid for or taken during service.

4.9.13.7 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 Teacher Services, 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 long service 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 Teacher Services 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) to claim recognition of previous service.
4.10 Military Leave
4.11 **Sick Leave**
4.14 Special Leave

4.14.1 General

a) Special leave is a category of full pay leave available to teachers. It covers activities which are not regarded as being on duty but which are not covered by other forms of leave.

b) Where appropriate, applications for special leave should be accompanied by documentation verifying the teacher’s involvement in the particular activity or organisation.

4.14.2 Entitlement

a) Each circumstance has specific rules which determine the entitlement and where applicable, the duration of special leave that may be granted.

b) In some instances, for example jury service, the amount of leave that may be granted has no upper limit and in other instances there are annual limits applicable to the particular circumstances.

4.14.3 Annual Conferences or Meetings

a) Teachers may be granted special leave for the duration of the conference or meeting, plus reasonable travelling time to permit attendance at annual conferences or meetings in the following circumstances:

i) State Emergency Services Annual Conference as deputy division controllers and/or sub-division controllers;

ii) Annual Conference of the Federation of Parents and Citizens Associations or the Annual Conference of the Federation of School Community Organisations as representative delegates;

iii) National Red Cross Executive Council compulsory meetings;

iv) Annual Conference of the Returned Services League of Australia as a delegate of a sub-branch;

v) NSW Local Government Council.

4.14.4 Bone Marrow Donors

a) Teachers who have registered and are selected to donate bone marrow may be granted special leave when the procedure cannot be carried out outside school hours or during school vacations.

b) The maximum period of leave is five days special leave with pay and a medical certificate must accompany the application for leave.

4.14.5 Court Attendance as Interpreter

Subject to departmental convenience, teachers may be granted special leave when required to assist in official interpreting at courts. Teachers may retain the interpreter’s fee.

4.14.6 Electoral Returning Officers

Teachers who are Electoral Returning Officers may be granted special leave in the following circumstances:
i) For contested elections or a referendum - up to seven weeks special leave from the date of issue of the writs until three weeks after polling day. Requests for additional leave are to be referred to the Director of Personnel Services.

ii) For uncontested elections - sufficient special leave to complete the necessary formalities.

iii) To visit schools to conduct campaigns of electoral education in line with the Premier’s wishes - special leave for visit plus travelling time.

4.14.7 Duke of Edinburgh Awards

Up to two days special leave may be granted to teachers to attend rehearsals and/or presentation of Duke of Edinburgh Awards.

4.14.8 Examination Leave

a) Special leave to a maximum of five days per year may be granted to teachers enrolled in approved tertiary courses to attend a terminal examination.

b) “Approved tertiary courses” are defined as courses of study of value to teachers professionally which may be undertaken at a university or TAFE college in New South Wales or the Australian Capital Territory.

c) “A terminal examination” is defined as:

- an examination which occurs at the end of a subject and must be passed for the subject to be completed; or

- an examination which occurs during a course and forms an integral part of the major examination or final assessment in a subject which must be taken in order to pass the subject in that academic period.

d) These conditions also apply to attendance at deferred examinations and examinations in respect of repeat studies.

4.14.9 Pre-examination Leave

Teachers enrolled in approved tertiary courses may also be granted up to five days pre-examination leave as follows:

Morning examination : no pre-examination leave

Afternoon examination : half day pre-examination leave on the morning of the same day

Evening examination : half day pre-examination on the afternoon of the same day

4.14.10 Application and Approval of Leave

a) Principals have authority to grant examination and pre-examination leave in accordance with the above provisions. Formal applications for leave do not need to be submitted as principals may approve leave on production of the examination timetable.

b) In respect of teachers wishing to attend examinations arranged by institutions other than a university or TAFE college in New South Wales or the Australian Capital Territory, formal applications for leave must be submitted and accompanied by all relevant documentation.
4 LEAVE PROVISIONS

4.14.11 Ex-armed Services Personnel

Ex-armed services personnel may be granted up to 6½ days special leave in any period of twelve months for the following purposes:

- to attend a hospital or visit a medical officer for review;
- to attend a hospital to report for periodical examination or attention in connection with a war caused disability;
- to attend limb factories for the supply, renewal or repair of article replacements or surgical appliances; or
- to attend the Department of Veterans’ Affairs in connection with claims made for military pensions.

4.14.12 Graduation Ceremonies

a) Teachers may be granted special leave for a maximum of one day for the minimum time necessary for attendance at a graduation ceremony for the award of a degree or diploma from a recognised tertiary institution.

Teachers in isolated locations who require additional time to travel to and from a graduation ceremony, may be granted family and community service leave to credit for the reasonable time necessary for travel.

b) Where relief is not available, the closure of a one teacher school for one day will be permitted to allow the teacher to attend a graduation ceremony.

4.14.13 Jury Service

a) Teachers who receive a jury summons should advise their principal of the details.

b) A teacher who attends court in answer to a jury summons may be granted special leave for the time they are necessarily absent.

c) A certificate of attendance or other documentation setting out attendance and detailing payments made must be obtained from the Sheriff or the Registrar of the court.

d) Teachers can only claim out of pocket expenses.

e) A teacher who attends court but is not empanelled for jury service is obliged to report for duty where practicable, even for part of the day. In these circumstances teachers should telephone the principal and indicate that they are returning to school.

f) Applications for leave must be accompanied by the Sheriff’s certificate, otherwise leave will be granted without pay.

g) A teacher who serves on a jury during a school vacation or other approved leave is not eligible for compensatory leave or a recredit of approved leave. The certificate of attendance is not required.

Exemption from Jury Service

a) A teacher who is summoned for jury duty at a time which would educationally disadvantage pupils or cause other severe hardship may apply to the Sheriff of NSW to be excused from jury service.
b) Application, in the form of a statutory declaration accompanied by a letter of support from the principal and the summons for jury service, should be submitted to the Sheriff immediately following receipt of the jury service notice.


a) Teachers who hold the civic office of mayor of a municipal council, president of a shire council or chairperson of a county council may be granted up to ten days special leave in any period of twelve months, not cumulative, to meet those commitments of office which occur in school hours.

b) Teachers who hold civic office other than those above may be granted three days special leave in any period of twelve months, not cumulative.

4.14.15 Medical Examination for Permanent Appointment

a) Teachers in country centres may be granted special leave for the time they are necessarily absent from duty where they are required to travel to another town for a medical examination for permanent appointment.

b) In the metropolitan area and other centres where travel to another town is not necessary, teachers are deemed to be on duty for the minimum time necessary to attend the medical examination and return to duty.

c) Where a teacher is not already on approved leave and is attending a medical examination for fitness to continue, the above provisions will apply.

4.14.16 Members of Statutory Boards and Authorities

a) Teachers may be granted special leave for attendance at regular meetings of a specified statutory board or authority of which the teacher is a member on the following basis:

- up to three days in any period of twelve months, not cumulative, if a teacher is a member of one specified statutory board or authority;
- up to five days in any period of twelve months, not cumulative, if a teacher is a member of more than one specified statutory board or authority;

b) Teachers who attend meetings of statutory boards or authorities which come within the Education portfolio, for example the Board of Studies, will be deemed to be on duty and do not have to apply for leave of absence.

c) Teachers appointed as board members of the NSW Teachers Credit Union or Directors of the Teachers Federation Health Limited board may be granted special leave for one half day per month to attend board meetings that are held during school terms.

The NSW Teachers Credit Union or Teachers Federation Health Limited, as appropriate, is responsible for payment of relief costs associated with this leave.

4.14.17 Political Exchange Program

Teachers who are selected to participate in the Political Exchange Program under the Multi-Party Commonwealth Government Committee may be granted special leave for the duration of the program plus reasonable travelling time.

4.14.18 National Aborigines’ and Torres Strait Islanders’ Day

Teachers who identify as Aborigines may be granted up to one day special leave so that they
may participate in National Aborigines’ and Torres Strait Islanders’ Day celebrations.

4.14.19 Professional or Learned Societies

a) Applications for special leave for the attendance at conferences or meetings which are of professional interest to teachers will only be considered in special circumstances.

b) Applications for special leave should be submitted at least one month in advance and should be accompanied by appropriate documentation regarding the conference or meeting.

c) In respect of applications for special leave where overseas travel is involved it is essential that the prior approval of the Minister for Education and Training is obtained. In this instance it is therefore necessary for applications to be submitted at least ten weeks prior to the proposed departure date.

4.14.20 School Camping Programs

a) Visiting teachers who attend school camps organised in association with the Department of Sport and Recreation may be granted two days special leave if they attend a camp of seven days duration or longer. This leave is to compensate the teacher for being on duty during a weekend.

b) If the camp is of five days duration or longer and a teacher is on duty on a public holiday, special leave for one day may be granted.

c) Leave should be taken within a reasonable time after the camp and at a time convenient to the teacher’s school.

4.14.21 Sporting Fixtures

a) In some instances special leave may be granted to teachers selected to represent a State or Australia as a competitor, coach, team manager or official in a major amateur sport.

b) See Section 4.7, Leave for Sporting Fixtures for details.

4.14.22 State Emergencies

a) Courses of Training

• Teachers selected as departmental representatives to attend emergency services training courses or lectures are regarded as being on duty.

• Teachers nominated by the Director of the State Emergency Services to attend the above courses are eligible for special leave for the time they are necessarily absent from duty.

• Teachers who are members of Volunteer Bush Fire Brigades who are nominated by organisations which are recognised by the Bush Fire Council, may be granted up to ten days special leave in any period of twelve months to attend training courses approved by the Bush Fire Council. Applications for leave must be accompanied by a copy of approval from the Bush Fire Council and confirmation of attendance.

b) Flood, Fire and Other Emergencies

i) Teachers who are volunteer members of the State Emergency Services or Bush Fire Brigade who serve during emergency operations will be regarded as being on duty when engaged in an emergency which occurs during normal working hours.
ii) Teachers who volunteer to assist where an emergency is declared under Section 17 or 41F of the Bush Fires Act 1949 or under other relevant legislation or by the Governor, may be granted special leave for the time they are absent from duty. Special leave granted during a declared emergency is separate from the five days per annum provided for in iii) below.

i) Teachers who are volunteer members of a local Bush Fire Brigade, the NSW Volunteer Fire Brigade or the State Emergency Services may be granted up to five days special leave per annum when called upon to assist as a volunteer.

c) Teachers who are called by the Police or local authorities to assist in emergency search and rescue operations may be granted up to five days special leave per annum if they are volunteer members of the following organisations:

- the Volunteer Rescue Association of NSW;
- the NSW Bushwalkers Federation Search and Rescue;
- the Wireless Institute Civil Emergency Network;
- such other similar organisations involved in emergency operations as determined.

d) Where a teacher remains on emergency duty for several days or assists in a rescue at such time as it would be unreasonable to expect the teacher to report for duty at a normal time, up to one days special leave for rest purposes may be granted.

e) In the case of an emergency other than a declared emergency, leave for rest purposes is included in the five day limits as set out in c) and d) above.

f) Teachers who are representatives of Volunteer Coastal Patrol Committees, Volunteer Bush Fire Committees or Disaster and Rescue Committees may be granted up to three days special leave per annum.

g) Proof of Attendance at Emergencies

i) An application for special leave must be accompanied by a statement from the local or Divisional Controller, the Fire Controller or Deputy Fire Controller or the Police, certifying the times of attendance at emergencies.

ii) Details regarding the period and area of attendance together with the name of the organisation of which the teacher is a volunteer member should be outlined on the leave application.

4.14.23 Subpoenaed or Called as Witnesses

a) Teachers subpoenaed or called as witnesses in their official capacity are deemed to be on duty and do not have to apply for leave of absence.

b) Teachers, who in their private capacity are subpoenaed or called as witnesses by the Crown, (whether in the right of the State or the Commonwealth) shall be granted special leave for the period they are necessarily absent from duty.

c) Any witness expenses other than travelling expenses must be repaid to the NSW Department of Education and Training.

d) Teachers subpoenaed in their private capacity other than by the Crown are granted long service leave to credit, or leave without pay. For leave without pay see Section
4.8 for details.

e) A copy of the subpoena should be submitted with the teacher's application for leave.

4.14.24 Trade Union Training Courses

a) Teachers may be granted up to twelve days special leave in any period of two years to attend Trade Union Training Courses conducted by Trade Union Training Australia or the NSW Teachers Federation.

b) An application for leave must be accompanied by a statement from the NSW Teachers Federation verifying nomination to attend the course.

4.14.25 Transferred Officers

a) Leave Entitlements Relating to Transfer

i) A teacher who receives a transfer to a new locality and qualifies for payment of removal of residence and related expenses by the Department may be eligible for special leave.

ii) Transferred officers who are to enter on duty at their new location at other than the beginning of a school term may be granted:

• up to two days special leave for the purpose of obtaining accommodation at the new location;

• up to two days special leave for the purpose of preparation and packing of personal and household effects prior to removal or up to two days for the purpose of arranging storage;

• one day special leave for the purpose of either cleaning the residence being vacated or settling in and occupying the new residence;

• such special leave as is necessary to travel to the new location for the purpose of commencing duty.

b) Leave Entitlements to Return Home at Weekends

i) Provided suitable arrangements can be made for the performance of their duties, teachers who have been transferred at the Department's expense but are unable to secure accommodation for their families at their new headquarters may be granted special leave. This leave is to permit teachers to return home at weekends once each month and spend two consecutive days and nights with their families. An additional day and night stay with their families is also available in respect of each public holiday which occurs in conjunction with such weekends.

ii) Special leave is limited to the time necessarily required in travelling on the day preceding a weekend or long weekend as the case may be.
4.15 Study Leave

UNDER REVIEW
4.16 Vacation Leave

"Under Review" as a result of reforms arising from the 2009 teachers’ award outcome
4.15 **Workers' Compensation - Accident Leave**