



# ABOUT YOUR LONG SERVICE LEAVE

A guide for lay ministers and other employees in the Diocese of Sydney

## What is my entitlement to leave?

Full-time, part-time and casual employees of parishes and diocesan organisations are entitled to paid Long Service Leave under the *Long Service Leave Act 1955* (NSW). As employees Lay Ministers receive the same entitlements. The leave entitlements under the Act are as follows –

- period of 2 months' (8.67 weeks) leave on completion of the first 10 years of continuous service, and
- period of 1 months' (4.33 weeks) leave on completion of each subsequent 5 years of continuous service.

The diocesan policy, expressed in the *Long Service Leave Ordinance 1973*, is more generous than that provided under the Act in that parishes and most diocesan organisations recognise continuity of service aggregated over multiple employers. So, for example, if you serve in parish 'A' for 6 years, and then move to parish 'B', you will usually become entitled to long service leave after 4 years' further service at parish 'B'.

This continuity is recognised to the greatest extent possible within the constraints of employment and taxation law. Because of employers obligation to deduct tax when a Long Service Leave entitlement is triggered there are some circumstances where a Long Service Leave provision cannot be transferred from one employer to another.

If a public holiday occurs during long service leave an extra day must be included in the long service leave if it is a day the employee would have worked had they not been on long service leave.

## How do I arrange to take leave?

For the employed in parishes, first, you need to have approval (as described below) to take leave at least three (3) months before you intend to take the leave. The process for arranging leave is as follows –

- Verify that you have the amount of long service leave available that you plan to take by consulting your parish warden or treasurer.
- Gain the approval of your senior minister.
- Inform your parish council of your intention to take the leave.
- If you are combining long service leave and annual leave, ensure that the annual leave begins at the end of the long service leave.

## How much leave should I take and when?

Long service leave should be taken as soon as practical after your leave entitlement arises. Long service leave can be taken in one continuous period of leave or, if the employee and employer agree, as follows –

- where the leave owing is two months – in two separate periods,
- where the leave owing is between two months and nineteen and one-half weeks: in two or three separate periods, and
- where the leave exceeds nineteen and one-half weeks: in two, three or four separate periods.

You should generally cease all ministry in your parish during the period of your leave.

## What if some of my service is part-time?

For the purpose of recognising continuous service full-time, part-time and casual employment is counted. In accordance with the Act the rate of payment you will receive is your current ordinary weekly rate of pay (over the past 12 months), or the average pay over the previous 5 years, whichever is the greater.

## What payments am I entitled to?

When you take long service leave, you are to be provided with your normal salary or stipend for the period of the leave. Diocesan policy is that you should also receive the other fixed allowances and benefits you would normally receive.

Your employer will pay your entitlements to you when you take long service leave and, where necessary, will deduct tax at the appropriate rate.



## What if I resign, retire, or are dismissed or ordained?

If you resign, retire or are dismissed or ordained there are four possible outcomes for your Long Service Leave provision. The outcomes are –

- (i) the provision lapses and you receive nothing (**no payment**),
- (ii) you will receive an amount equating to your accrued Long Service Leave provision, less tax at the appropriate rate (**receive payment or pro-rata payment**),
- (iii) an amount approximating your long service leave provision will be paid by your previous employer to your new diocesan employer (**provision transferred**), or
- (iv) if you are **ordained deacon** you are deemed to have ceased employment. Your parish may apply to have your Lay ministry service recognised within the clergy General Synod Long Service Leave Fund (**apply for buy-back**). As the terms of the Fund are more generous than those applying to employees the LSL provision accrued by a Lay minister's employer will not be sufficient to buy-back a long service leave entitlement in the clergy Fund commensurate with the duration of their lay ministry service.

The factors that determine the outcome are as follows –

- (i) The duration of your aggregated continuous service across multiple diocesan employers;
- (ii) The reason for your ceasing employment –
  - a. **Retirement**;
  - b. Resignation due to illness, incapacity, domestic or other pressing necessity (**with circumstances**);
  - c. Dismissal for any reason except serious and wilful misconduct (**without misconduct**); or
  - d. Resignation to take up other employment (see below),
- (iii) Whether or not you are taking up a new position with another diocesan employer –
  - a. Resignation to take up a new position with an Anglican parish or organisation in the Diocese (**to another employer**)
  - b. Resign to take up a new position not in another parish or certain Anglican organisations (**departure**).

The table below details the outcome depending on the circumstances of your ceasing employment –

Years (continuous service)	0-5 Years	5-10 Years	10 Years+
Retirement	<i>no payment</i>	<i>no payment</i>	<i>receive payment</i>
Resignation ( <i>with circumstances</i> )	<i>no payment</i>	<i>receive pro-rata payment</i>	<i>receive payment</i>
Dismissal ( <i>without misconduct</i> )	<i>no payment</i>	<i>receive pro-rata payment</i>	<i>receive payment</i>
Resignation ( <i>to another employer</i> )	<i>provision transferred</i>	<i>provision transferred</i>	<i>receive payment</i>
Resignation ( <i>departure</i> )	<i>no payment</i>	<i>no payment</i>	<i>receive payment</i>
Ordained deacon	<i>apply for buy-back</i>	<i>apply for buy-back</i>	<i>receive payment</i>

If you are dismissed for serious and wilful misconduct you will only receive a payment if you have completed at least ten years continuous service with one employer, in accordance with the Act.

## What if I die?

If you die and at the date of death have a long service leave entitlement your Estate will be paid the entitlement, less tax at the appropriate rate. If you have completed five years continuous service your estate may also receive a long service leave pro-rata payment.

## What if I need more information?

A '[Guide to Long Service Leave Entitlements](#)' and answers to [frequently asked questions](#) are available from NSW Industrial Relations.

If you have any further questions, please contact: your bishop, or the Parish Support Manager by email at [clergyservices@sydney.anglican.asn.au](mailto:clergyservices@sydney.anglican.asn.au) or by telephone on 9265 1534.