Recognition of prior service for leave purposes Guideline

**Acknowledgement**

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We acknowledge Aboriginal and Torres Strait Islander people as Australia’s first peoples and as the Traditional Owners and custodians of the lands and waters on which we rely. We pay respect to Elders past and present of the lands where we conduct our work and recognise their ongoing contributions as the first educators on the land now known as Victoria.

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Contents

[1. Overview 2](#_Toc178071673)

[2. Objective 2](#_Toc178071674)

[3. Principles 2](#_Toc178071675)

[3.1 Equitable recognition 2](#_Toc178071676)

[3.2 Clarity in casual employment recognition 2](#_Toc178071677)

[3.3 Adherence to legal and regulatory frameworks 2](#_Toc178071678)

[4. Roles and responsibilities 2](#_Toc178071688)

[4.1 Executive directors, managers and authorised delegates 2](#_Toc178071689)

[4.2 Employees 2](#_Toc178071691)

[5. Expectations 3](#_Toc178071692)

[5.1 Statement 3](#_Toc178071693)

[5.2 Recognition of prior service for fixed term contracts 3](#_Toc178071694)

[5.3 Recognition of casual employment for long service leave purposes 3](#_Toc178071695)

[5.4 Recognising VPS previous service following a break in service under 12 months for long service leave purposes 3](#_Toc178071696)

[5.5 Recognising other non-VPS previous service for long service leave purposes 3](#_Toc178071697)

[5.6 Futher assistance 4](#_Toc178071698)

[6. Managing this guideline 4](#_Toc178071699)

[6.1 Authorisation 4](#_Toc178071700)

[6.2 Accountability for the guideline 4](#_Toc178071701)

[6.3 Important dates 4](#_Toc178071702)

[7. Related documents 4](#_Toc178071703)

1. Overview

This guideline outlines the Victorian Curriculum and Assessment Authority's (VCAA) position with respect to recognition of prior service for the purposes of leave entitlements. Further, the guideline aims to provide employees with a clear insight into the principles that govern the recognition of prior service.

This guideline applies to all employees within the Victorian Curriculum and Assessment Authority (VCAA). For the purposes of this guideline, the term 'employees' encompasses employees directly employed by the VCAA under Ministerial Order No. 1451 – Victorian Curriculum and Assessment Authority employees (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2023 (referred to as ‘The MO’) including fixed term, casual and sessional employees.

1. Objective

The objective of this guideline is to provide clear and consistent guidance with respect to the recognition of prior service for leave purposes. By specifying the circumstances in which the VCAA will or will not recognise any prior service, the objective is to ensure equitable treatment among all employees and streamline the administration of leave entitlements. This guideline aims to provide clarity to all employees about the principles governing leave accrual at VCAA and contribute to a fair and transparent work environment.

1. Principles
   1. Equitable recognition

The VCAA is committed to treating all employees equitably in matters related to leave entitlements.

* 1. Clarity in casual employment recognition

Casual employment may be recognised for long service leave purposes if it meets the criteria of ‘continuous employment’ as defined in the *Long Service Leave Act 2018* (Vic).

* 1. Adherence to legal and regulatory frameworks

The principles outlined in this guide align with relevant legal frameworks, including Ministerial Order No 1451, [the *Victorian Public Service Enterprise Agreement 2024*,](https://www.vic.gov.au/proposed-enterprise-agreement-2024) *Long Service Leave Act* *2018* (Vic), and other applicable legislation.

1. Roles and responsibilities
   1. Executive directors, managers and authorised delegates

Executive directors, managers and authorised delegates are responsible for:

* addressing any queries or concerns raised by employees regarding the guideline, and providing clarity and guidance as needed
* effectively communicating and enforcing the guideline, ensuring that employees do not make assumptions about leave entitlements based on prior service.

An authorised delegate is an individual or entity granted authority to act on behalf of another entity, typically within contractual or [legal frameworks](https://www.vcaa.vic.edu.au/Documents/workwithus/HR/VCAADelegationsFramework.docx).

* 1. Employees

Employees are responsible for:

* familiarising themselves with this guideline
* accurately disclosing their prior service details during the onboarding process to ensure accuracy in their employment history
* clarifying any uncertainties or queries regarding the recognition of prior service from the [VCAA.HR@education.vic.gov.au](https://eduvic.sharepoint.com/sites/CommunicationsUnit/Shared Documents/General/HR policies and guidelines/VCAA HR Policies and Guidelines/Batch 3 Policies and Guidelines/VCAA.HR@education.vic.gov.au) or 1800 718 320.

1. Expectations
   1. Statement

The VCAA acknowledges the valuable contributions of its employees and respects the diversity of experiences they bring to the organisation. However, in the interests of maintaining a consistent and equitable approach to leave entitlements, the VCAA will only recognise prior service for leave purposes in limited circumstances, as stated below.

* 1. Recognition of prior service for fixed term contracts

Employees moving to the VCAA on fixed term employment from another Victorian Public Service (VPS) entity, with no break in service, will have prior accrued long service, annual and personal/carers leave balances transferred automatically through the transfer of personnel process.

If there is a break in service, which occurs when the employee stops working (excluding approved leave) for one or more days before starting work with the VCAA, the previous VPS employer will pay out any applicable entitlements to the employee.

* 1. Recognition of casual employment for long service leave purposes

A casual employee will accrue long service leave if their service meets the definition of ‘continuous employment’ as set out under section 12 of the *Long Service Leave Act 2018* (Vic). This means that there must not be a gap in service of more than 3 months. The hours worked by a casual employee will be converted to equivalent full-time service.

The continuous employment of a casual employee will be broken in the following circumstances.

* a period of suspension from duty for disciplinary reasons
* any period of service prior to the employee having been dismissed for disciplinary reasons
* any period of service during which a pension is payable under the *State Superannuation Act 1988* where an employee is retired on the grounds of ill health, other than the first 12 months during which a pension is paid
* any period of service prior to the employee's termination if they received a sum characterised as a voluntary departure incentive that was additional to entitlements under any Act or Award
* any absence from duty when the employee was in receipt of weekly payments of compensation under the *Accident Compensation Act 1985* (Vic), other than the first 12 months of that period.

Casual employees are paid a 25% casual loading in addition to their hourly rate, in lieu of public holidays not worked and all paid leave entitlements, other than long service leave. Casual employees will not be entitled to paid leave, with the exception of long service leave.

* 1. Recognising VPS previous service following a break in service under 12 months for long service leave purposes

In line with 62.8(a) of the [VPS Agreement](https://www.dtf.vic.gov.au/funds-programs-and-policies/victorian-public-service-enterprise-agreement-2024), previous VPS service which concluded less than 12 months prior to an employee commencing with the VCAA can be recognised for long service leave purposes only.

Applications must be made within the first 6 months of starting work at the VCAA. To facilitate this, employees will be requested to provide details in their eduPay portal.

In this instance, any other entitlements would have been paid out by the previous VPS employer.

* 1. Recognising other non-VPS previous service for long service leave purposes

For the purposes of the accrual of long service leave only, the VCAA may recognise prior service from non-VPS entities if the previous employer is one of the organisations listed in clause 62.9 of the VPS Agreement, and the period of employment was concluded less than 12 months prior to the employee commencing with VCAA.

Applications must be made within the first 6 months of starting work at the VCAA. To facilitate this, employees will be requested to provide details in their eduPay portal.

VCAA Human Resources will review the application and the final decision will be made by the Human Resources Manager. The details of any recognised service will be confirmed in writing. The VCAA does not accept the transfer of annual leave, long service leave or personal/carers leave balances from organisations outside the VPS (other than as set out above).

* 1. Futher assistance

Any questions or concerns regarding this guideline can be directed to VCAA Human Resources.

1. Managing this guideline
   1. Authorisation

This guideline is issued under the authority of the Chief Executive Officer.

* 1. Accountability for the guideline

The owner is VCAA Human Resources who reports to the Chief Executive Officer on the management of this guideline.

The owner is responsible for:

* development and regular review of this guideline
* development of protocols, processes and guidelines to support implementation
* monitoring compliance of applicable employees, organisational units, and/or locations.
  1. Important dates

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| Date of adoption: | July 2024 |
| Date of last amendment: | July 2024 |
| Date of next review: | July 2026 |

1. Related documents

* *Long Service Leave Act 2018* (Vic)
* *Accident Compensation Act 1985* (Vic)
* *State Superannuation Act 1988* (Vic)
* Victorian Public Service Enterprise Agreement 2020
* Ministerial Order No. 1451 – Victorian Curriculum and Assessment Authority employees (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2023