

DIRECTIVE 12/18

Supersedes: 10/10

Minister for Industrial Relations Directive: Recognition of Previous Service

1. Purpose:

To prescribe the entitlements for recognition of previous service and employment when a person is appointed or reappointed, engaged or re-engaged to work in the Queensland public service.

2. Effective date: 11 May 2018

3. Legislative authority:

Section 54(1) of the *Public Service Act 2008*.

Sections 51 and 52 of the *Public Service Act 2008* and section 941 of the *Industrial Relations Act 2016* apply if there is a conflict with an act, regulation or industrial instrument.

4. Application:

This Directive applies to:

- public service officers; and
- temporary employees engaged under section 148(2)(a) of the *Public Service Act 2008*.
- general employees engaged under section 147(2)(a) of the *Public Service Act 2008*; and
- casual employees engaged under sections 147(2)(b) or section 148(2)(b) of the *Public Service Act 2008* but only for the purposes of determining long service leave and paid parental leave entitlements.

5. Previous references:

- 10/10, 2/03, 14/01, 22/99: “*Recognition of Previous Service and Employment*”
- 3/98: “*Recognition of Previous Employment (Interim)*” Determination No. 4
- Section 22 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.
- Circulars 1/91, 5/91
- Administrative Instruction No. 1 | 60

SCHEDULE – GENERAL CONDITIONS

6. Entitlement

- 6.1 Eligible persons who are appointed or reappointed, engaged or re-engaged to work in agencies covered by this directive are entitled to recognition of previous service as prescribed by this directive.
- 6.2 The “General Conditions” of this directive must be read in conjunction with Part A of the directive. Note that the paid parental leave provisions (clause 13) are prescribed under “General Conditions”, not in Part A.

7. Definitions

- 7.1 “**employee**” means a public service officer appointed under section 119 of the *Public Service Act 2008*, a general employee employed under section 148(2)(a) of the *Act*, a temporary employee employed under section 147(2)(a) of the *Act* or a casual employee employed under section 147(2)(b) or section 148(2)(b) of the *Act*.
- 7.3 “**officer**” means a public service officer appointed under section 119 of the *Public Service Act 2008*.
- 7.3 “**temporary employee**” means an employee employed as such under section 147(2)(a) or section 148(2)(a) of the *Public Service Act 2008*.
- 7.4 “**casual employee**” means an employee employed as such under section 147(2)(b) or section 148(2)(b) of the *Public Service Act 2008*.
- 7.5 “**former employer**” means the preceding employer under Part A for which service is being recognised (see clause 14).
- 7.6 “**previous employment**” means employment that is recognised under this directive.

8. Entitlement on reappointment to the Queensland public service as an officer

- 8.1 A person, previously employed as an officer in the Queensland public service, who is reappointed as an officer and:
- is appointed to a vacancy that has a closing date for applications that was within 12 months from the date of the person’s termination from the Queensland public service; and
 - the termination was for reasons other than disciplinary action,

is to have his or her previous service counted for the purpose of calculating any –

- (a) sick leave accumulation; and
- (b) long service leave entitlement; and
- (c) salary payable (paypoint and increment); and
- (d) paid parental leave.

9. Entitlement on appointment – leave

- 9.1 To the extent provided in this schedule, the previous employment of a person to whom this directive applies (other than an officer reappointed to the Queensland public service referred to in clause 8 above) is to be counted for the purposes of calculating –
- (a) sick leave accumulation;
 - (b) long service leave entitlement; and
 - (c) paid parental leave.

- 9.2 The application of this directive to employees engaged on a casual basis is limited to previous service with a government entity as defined in section 24 of the *Public Service Act 2008* and is further limited to determining service for long service leave and paid parental leave purposes only.
- 9.3 The recognition of previous casual employment is limited to determining service for long service leave and paid parental leave purposes only.
- 9.4 The application of this directive to persons appointed as temporary employees is limited to previous service with a government entity as defined in section 24 of the *Public Service Act 2008*.

10. Entitlement on appointment – salary payable

- 10.1 Subject to the provisions of any relevant industrial instrument, the chief executive may count the previous relevant employment of a person engaged as an officer, general employee, temporary employee or casual employee for the purpose of calculating salary payable (i.e. paypoint).

11. Waiving of further qualifying period – long service leave

- 11.1 An employee given recognition of previous employment and who has been paid a cash equivalent of long service leave by the former employer is not required to complete any further qualifying period in order to be granted long service leave.

12. Long service leave and sick leave

12.1 Information requirements

Recognition of an employee's previous employment for long service leave and sick leave purposes is to be based on the following information obtained from that employee's former employer –

- a) details of service;
- b) details of sick leave granted;
- c) details of any cash equivalent of sick leave paid at the date of termination;
- d) details of any long service leave granted and cash equivalent thereof paid at the date of termination;
- e) details of any undertakings given in relation to the non-acceptance of a cash equivalent of long service;
- f) details of any deductions made from the employee's long service leave because of disciplinary reasons; and
- g) details of any special leave without salary granted together with the reasons for such leave.

12.2 Calculation of entitlements

Entitlements are to be calculated by applying the following formula:

$$E = (S \times AR) - LT$$

Where –

E = entitlement

S = years of service

AR = accrual rate applicable to appointed position

LT = leave taken

The accrual rate for sick leave is 10 days per year of service. The accrual rate for long service leave is 1.3 weeks per year of service.

12.3 Defence Forces service – sick leave

Recognition of sick leave for Defence Forces service shall be based on sick leave records (e.g. medical records).

Where sick leave records are not available the recognition rate shall be 5 days per year of service.

The recognition rate of 5 days per year of service is based on an accrual rate of 10 days per year of service and the employee being deemed to have taken 5 days sick leave per year of service.

13. Paid parental leave

- 13.1 Where an employee has service recognised for long service leave and/or sick leave purposes under this directive, service shall also be recognised for the purposes of the qualifying period under the Ministerial Directive titled *Paid Parental Leave*.

14. Former employer

- 14.1 Where the former employer has recognised service for previous employers, that service is also to be recognised at the appropriate accrual rate.

It is irrelevant whether or not the previous employers to the former employer fall within the "Category of Former Employer" in Part A.

- 14.2 Where the former employer has not recognised service for any previous employers, no service prior to the former employer is to be recognised.

It is irrelevant whether or not the previous employers to the former employer fall within the "Category of Former Employer" in Part A.

- 14.3 In rare circumstances there may be more than one former employer. This would only occur where the person seeking recognition has been engaged by more than one employer falling within the "Category of Former Employer" in Part A within the 12 months prior to engagement in the Queensland public service.

- 14.4 Where there is more than one former employer, service with each of the former employers is to be recognised.

- 14.5 Where there is more than one former employer, service with any previous employers recognised by any of the former employers is also to be recognised. However, where more than one former employer has recognised service with the same previous employer, such previous service shall be recognised once only.

15. Local government mayors and councillors

- 15.1 Local government mayors or councillors whose terms have expired and who are being re-engaged in the Queensland public service are entitled to have their previous service in the Queensland public service recognised for the purposes of long service leave, sick leave and paid parental leave.

A former mayor or councillor who was previously an officer and who is being re-engaged as an officer is also entitled to recognition of previous service for salary payable.

The period of time served as mayor or councillor is not recognised for any purpose.

For recognition purposes, re-engagement in the Queensland public service must occur within 12 months of the expiry of the term as mayor or councillor.

- 15.2 Re-engagement of former mayors and councillors in the Queensland public service must not be unreasonably refused.

16. Recognition of service prior to this directive

- 16.1 For recognition of service for employees commencing employment with the Queensland public service prior to 1 July 2010, see superseded directive 2/03 Recognition of Previous Service and Employment.

PART A

EMPLOYEES ENGAGED BY AGENCIES SUBJECT TO THIS DIRECTIVE ON OR AFTER 1 JULY 2010

| CATEGORY OF FORMER EMPLOYER | TERMS OF RECOGNITION | |
|---|---|---|
| | LONG SERVICE LEAVE | SICK LEAVE |
| <p>1. Service with a “government entity” as defined in section 24 of the <i>Public Service Act 2008</i> and including service as a trainee or apprentice employed in a government entity under an approved training or apprenticeship scheme made pursuant to the <i>Further Education and Training Act 2014</i>.</p> | <p>Any period provided there is no break in service in excess of 12 months.</p> <p>Where the employee has an entitlement to long service leave as at the date of ceasing duty with the former employer and wants to forego payment of a cash equivalent in favour of recognition of such service, the granting of credit for service is contingent upon –</p> <ul style="list-style-type: none"> • non-payment to the employee of any cash equivalent of long service leave accrued to the date of resignation with the former employer; and • payment of the cash equivalent of long service leave by the former employer to the new employer (not required where both employers are members of the Long Service Leave Central Scheme); and the furnishing of advice to the former employer indicating – <ul style="list-style-type: none"> (a) the employee’s wish to forego payment of a cash equivalent; and (b) the name of the new employer with whom recognition is being sought. | <p>Any period provided there is no break in service in excess of 12 months.</p> |
| <p>2. Service as an Electorate Secretary to a Queensland Member of Parliament.</p> | <p>As in 1 above.</p> | <p>As in 1 above.</p> |
| <p>3. Service with Mater Misericordiae Public Hospitals.</p> | <p>As in 1 above.</p> | <p>As in 1 above.</p> |

| CATEGORY OF FORMER EMPLOYER | TERMS OF RECOGNITION | |
|---|---|--|
| | LONG SERVICE LEAVE | SICK LEAVE |
| <p>4. Service with any of the following Queensland organisations –</p> <ul style="list-style-type: none"> • local government; • the Parliamentary Service; • the unit maintaining the Governor’s official residence; • the Courts of the State of whatever jurisdiction; • the Police Service; • tertiary educational institutions including universities, university colleges and colleges of advanced education but excluding private universities and colleges; • organisations fully owned by the Queensland Government (e.g. government owned corporations); • Forestry Plantations Queensland Office and its successor up to the date of sale (this provision expires 3 years from the date of sale). | <p>Any period provided there is no break in service in excess of 12 months.</p> <p>Where the employee has an entitlement to long service leave as at the date of ceasing duty with the former employer and wants to forego payment of a cash equivalent in favour of recognition of such service, the granting of credit for service is contingent upon –</p> <ul style="list-style-type: none"> • agreement between the former employer and the new employer; and • non-payment to the employee of any cash equivalent of long service leave accrued to the date of resignation with the former employer; and • payment of the cash equivalent of long service leave by the former employer to the new employer (not required where both employers are members of the Long Service Leave Central Scheme); and • the furnishing of advice to the former employer indicating – <ul style="list-style-type: none"> (a) the employee’s wish to forego payment of a cash equivalent; and (b) the name of the new employer with whom recognition is being sought. | <p>Any period provided there is no break in service in excess of 12 months.</p> <p>Where the employee has been paid a cash equivalent of any portion of accrued sick leave as at the date of ceasing duty with the former employer, the payment must be taken into consideration in determining any entitlement to be transferred to the new employer.</p> |

| CATEGORY OF FORMER EMPLOYER | TERMS OF RECOGNITION | |
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| | LONG SERVICE LEAVE | SICK LEAVE |
| <p>5. Service with –</p> <ul style="list-style-type: none"> • commonwealth/other state public services; • commonwealth/other state government departments; • commonwealth/other state statutory authorities <p>Note: <i>Only former employees of those agencies that are fully owned Commonwealth companies or companies funded by the Commonwealth are to have their service recognised. For example, service with Telstra, the Commonwealth Bank and QANTAS is no longer recognised by the Commonwealth. The State does not recognise any service from the date each of these agencies failed to meet the above criteria. To determine if an agency is still owned by or funded by the Commonwealth it may be necessary to contact that agency.</i></p> <ul style="list-style-type: none"> • commonwealth/other state educational institutions, including universities, university colleges and colleges of advanced education but excluding private universities and colleges; • commonwealth hospitals and public hospitals in other states; • commonwealth authorities (e.g. territories) and local authorities in other states; • organisations fully owned by commonwealth/other state governments (including shared ownership across governments); • organisations fully owned by government | <p>Any period provided that service is continuous or where there is a break in service, the break is not in excess of 12 months and the person has not been employed or has not carried on a business during the break.</p> <p>Where the person is not employed by the commonwealth, state or other recognised organisation at the time of appointment to the Queensland public service and has been employed or has carried on a business since ceasing duty with the commonwealth, state or other recognised organisation, at the discretion of the chief executive credit may be given for such service provided that the break in service is not in excess of 12 months.</p> <p>Liability will not be accepted for payment of long service leave accruals where the person has an entitlement to a cash equivalent of long service leave as at the date of ceasing duty with the commonwealth, state or other recognised organisation.</p> | <p>Any period provided that service is continuous or where there is a break in service, the break is not in excess of 12 months and the person has not been employed or has not carried on a business during the break.</p> <p>Where the person is not employed by the commonwealth, state or other recognised organisation at the time of appointment to the Queensland public service and has been employed or has carried on a business since ceasing duty with the commonwealth, state or other recognised organisation, at the discretion of the chief executive credit may be given for such service provided that the break in service is not in excess of 12 months.</p> <p>Where an employee has been paid a cash equivalent of any portion of accrued sick leave as at the date of ceasing duty with the former employer, this must be taken into consideration in determining any entitlement to be transferred to the new employer.</p> |

| CATEGORY OF FORMER EMPLOYER | TERMS OF RECOGNITION | |
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| | LONG SERVICE LEAVE | SICK LEAVE |
| with shared ownership across the Queensland Government and other governments. | | |
| <p>6. Officer granted a scholarship* before commencing duty in the Queensland public service.</p> <p>(*excluding teacher scholarships)</p> | <p>Scholarship period recognised upon –</p> <ul style="list-style-type: none"> • completion of 10 years continuous service following appointment; and • successful completion of the course of study in the time specified in the contract. <p>Any period of contract suspension is not recognised unless the officer was in the employment of the State during such period.</p> <p>Upon completion of 10 years actual service, the scholarship period is recognised for the purpose of granting long service leave or the payment of a cash equivalent in lieu thereof on retirement pursuant to sections 136 and 178 of the <i>Public Service Act 2008</i>, retrenchment pursuant to section 138 of the <i>Public Service Act 2008</i> or in the case of death. A scholarship period is not to be included when calculating an entitlement to long service leave on resignation.</p> <p>The scholarship period commences at the beginning of the academic year of the first year of the scholarship and continues until the day before commencement of duty.</p> <p>If a cash equivalent of long service leave is to be calculated in terms of the <i>Industrial Relations Act 2016</i> any periods of vacation employment during a scholarship should be counted as service.</p> | N/A |

| CATEGORY OF FORMER EMPLOYER | TERMS OF RECOGNITION | |
|---|---|---|
| | LONG SERVICE LEAVE | SICK LEAVE |
| 7. Scholarship-holders in surveying | <p>As per 6 of this schedule including –</p> <p>Any period spent undertaking field work to qualify for registration as a surveyor with the Surveyor's Board. Such period shall be regarded as actual service for long service leave purposes and for the recognition of the scholarship period, provided that –</p> <ul style="list-style-type: none"> • such field work is undertaken with a government department; and • there is no break in service exceeding 3 months between the field work and appointment to the Queensland public service. | <p>Any period spent undertaking field work to qualify for registration as a surveyor with the Surveyor's Board shall be regarded as actual service for sick leave purposes, provided that –</p> <ul style="list-style-type: none"> • such field work is undertaken with a government department; and • there is no break in service exceeding 3 months between the field work and appointment to the Queensland public service. |
| 8. School dental therapists employed by the Department of Health who undertake a 2-year training period at the School Dental Therapist Training Centre. | <p>Training period recognised upon officer completing 10 years continuous service following appointment.</p> <p>Training period is taken into account for the purpose of granting long service leave or the payment of a cash equivalent in lieu thereof upon retirement pursuant to sections 136 and 178 of the <i>Public Service Act 2008</i> or in the case of death. A training period is not to be included when calculating an entitlement to long service leave on resignation.</p> | N/A |