

Queensland



Subordinate Legislation 1994 No. 114

Gladstone Power Station Agreement Act 1993

GLADSTONE POWER STATION (LONG SERVICE LEAVE) REGULATION 1994

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Short title

1. This regulation may be cited as the *Gladstone Power Station (Long Service Leave) Regulation 1994*.

Definitions

2. In this regulation—

“all purpose rate” has the meaning given in the award;

“award” means the Gladstone Power Station Award—State;

“company” means NRG Gladstone Operating Services Pty Ltd;

“date of transfer” has the meaning given in the State agreement;

“employee” means an employee of the company at the Gladstone Power Station after the date of transfer who is employed on a full-time, part-time or casual basis (within the meaning of the *Industrial Relations Act 1990*);

“former QEC employee” means an employee who—

- (a) immediately before the date of transfer was employed by the Queensland Electricity Commission at the Gladstone Power Station; and
- (b) became an employee on the date of transfer because of the Power Station Sale Agreement;

“projected roster rate”, for an employee who is a continuous shift worker taking long service leave, means the all purpose rate plus the Station standard loading;

“service” means the term of continuous service (within the meaning of the *Industrial Relations Act 1990*) with the company and, for a former QEC employee, includes the term of continuous service stated in the employee’s certificate given under section 26 of the Act;

“Station standard continuous shift roster” means the continuous shift roster mentioned in section 4.9.2 of the award;

“Station standard loading” means the average of all shift and weekend penalties (other than overtime) earned from the Station standard continuous shift roster.

Who is entitled to long service leave

3.(1) An employee is entitled to long service leave if—

- (a) the employee completes at least 10 years service; or
- (b) the employee completes at least 5 years service ending when the employee—
 - (i) dies; or
 - (ii) resigns on or after reaching 55 years; or
 - (iii) subject to subsection (2), resigns before reaching 55 because of ill-health.

(2) An employee mentioned in subsection (1)(b)(iii) is entitled to long service leave only if the employee gives the company a certificate, from a doctor agreed between the employee and the company, stating that the employee cannot continue employment because of ill-health.

How long service leave is calculated

4. An employee is entitled to long service leave calculated—

- (a) for a full-time employee—at the rate of 1.3 weeks on full pay for each year of service and a proportionate amount for an incomplete year of service; and
- (b) for a part-time or casual employee—at the rate mentioned in paragraph (a) in the proportion that the hours worked by the employee bears to the hours worked by a full-time employee.

Periods of absence without pay that count as service

5. An employee's period of service does not include a period when the employee is absent without pay other than—

- (a) when the employee receives payment under the *Workers' Compensation Act 1990* for an illness or injury suffered by the employee; or
- (b) a period of authorised leave of not more than 2 weeks; or
- (c) a period of leave that the company has approved as service for

this regulation.

Taking long service leave

6.(1) An employee must apply for long service leave—

- (a) in the form approved by the company; and
- (b) at least 1 month before the leave is to be taken, unless the company agrees to accept a later application.

(2) An employee may take long service leave only at a time mutually convenient to the company and the employee.

Minimum period of long service leave

7. The minimum period of long service leave that an employee may take is 2 weeks.

Public holidays during long service leave

8. An employee's long service leave must be credited for a public holiday that falls while the employee is on long service leave if the employee is usually scheduled to work on the day.

Illness during long service leave

9. If an employee is granted sick leave of at least 1 week for an illness or injury that the employee suffers while on long service leave—

- (a) the employee's long service leave must be credited for the number of days of the sick leave; and
- (b) the period of long service leave actually taken is not subject to the minimum period requirement under section 7.

Rate of payment for long service leave

10. The company must pay an employee for long service leave at—

- (a) for an employee who is a nominated relief shift worker—the highest of—

- (i) 107.5% of the all purpose rate; or
 - (ii) the all purpose rate plus the average percentage loading earned by the employee in the previous year; or
 - (iii) if the employee has worked 26 or more weeks of continuous shift work immediately before the leave is taken—the Station standard continuous shift roster rate; or
- (b) for an employee who is a noncontinuous shift worker—the higher of—
 - (i) 107.5% of the all purpose rate; or
 - (ii) the all purpose rate plus the average percentage loading earned by the employee in the previous year; or
 - (c) for an employee who is a continuous shift worker—the projected roster rate; or
 - (d) for any other employee—the all purpose rate.

Payment instead of long service leave not taken

11.(1) If—

- (a) an employee's contract of employment with the company ends;
or
- (b) an employee dies;

the company must pay the employee or the deceased employee's personal representative for the long service leave that the employee is entitled to.

(2) Payment must be made at the all purpose rate.

(3) The company must pay the employee for any long service leave that would have accrued had the employee taken the long service leave.

ENDNOTES

1. Made by the Governor in Council on 24 March 1994.
2. Notified in the Gazette on 25 March 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of the Premier, Economic and Trade Development.