

Long Service Leave Calculation Request Form



AMA (NSW) can assist member doctors to calculate an estimate of the long service leave owed to an employee of the doctor or the doctor's private practice. This is a free service for members, which forms part of our HR consulting services for employer doctors. It is not legal advice. It relates only to employees of private practices in NSW to whom the *Long Service Leave Act 1955* (NSW) applies.

To request an estimate calculation, complete this form in full and email it to workplace@amansw.com.au.

Please note, while we make every effort to process requests quickly, we receive a large number of requests, so they may take several weeks to complete. The time it takes to respond will also depend on the clarity and accuracy of information provided. If there are gaps or difficulties with the information provided, it may take longer.

To calculate our estimate, we will rely on the accuracy of the information you provide in the form. If you would like further clarification or assistance completing the form, please do not hesitate to contact our professional services team via email on workplace@amansw.com.au or by calling via reception on (02) 9439 8822.

Requester's Details

1. Name of member on whose behalf the estimate is being requested:

2. Membership number: _____

3. Alternative contact person for this request (eg, Practice Manager):

Name: _____

Phone: _____

Email: _____

Please note, unless specifically requested, calculations may also be sent to the member doctor's email address as recorded in our membership database. If this email is not private or secure, please let us know when returning this form.

Timeframes

4. Date by which you'd like a response: ____/____/____*

*We will aim to respond within your preferred timeframe, but this is subject to our team's capacity and the clarity and accuracy of information provided.

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Employee Details & Reason for Request

If you would like calculations done for multiple employees, please copy and complete the remaining pages for each individual.

5. Name of the employee:

Although we don't strictly need the employee's name, providing it assists us with tracking and record keeping. It may also assist you and the practice in future if you wish to reference the calculations done for a particular employee.

Please note, for the purposes of this service, we will assume the person named is in fact an employee (not, for example, an independent contractor or other worker who may not be eligible for LSL). If you are not sure whether a particular individual is an employee, you may wish to seek advice separately before completing this form.

6. Why are you requesting this calculation?

Please tick only the box that applies, and then also complete the further question/s directly under that box.

- We're just seeking an estimate of the employee's entitlements, for planning/accrual purposes:
- To what date should we calculate the entitlement? ____/____/____
- The employee will be taking/has taken a period of LSL:
- a) What is/was the date of the first day of leave? ____/____/____
 - b) If known, how much leave was/will be taken? _____ weeks' leave
- The employee's employment will be ending/has ended:
- a) What is/was the termination date? ____/____/____
 - b) Why did/will the employment end? *Please select one.*
 - The employee's death
 - Termination at employer's initiative for "serious and wilful misconduct"
 - Termination at employer's initiative for another reason (eg, because of poor performance, redundancy, closure/transfer of practice, misconduct that falls short of "serious and wilful misconduct", etc)
 - Resignation (ie, termination at the employee's initiative)

c) If a resignation, is/was the resignation on account of the worker's illness, incapacity or domestic or other pressing necessity? *Please select one.*

- Yes
- No

Calculating the period of leave available, if any (in "weeks")

Please answer all questions below.

7. What date did the employee commence employment?

____/____/____

Please note, employment with a former employer may also count towards an employee's "continuous service" with a current employer, so you may need to include their original start date with their former employer.

For example, prior service will generally be treated as service with the current employer: if the former employer is related or associated with the primary employer; if there has been a "transfer of employment" as defined in the *Fair Work Act 2009*; or if there has been a "transmission" of business under the *Long Service Leave Act 1955*. "Transmission" under the LSL Act is defined quite broadly and includes (but is not limited to) any "transfer, conveyance, assignment or succession" of a "business, undertaking or establishment or any part thereof", whether pursuant to a formal agreement or not.

If you're not sure about this, you may need to obtain further advice or information before completing the rest of this form.

8. Since the commencement date in question 7, has the employee had any breaks in their employment that exceeded 2 months (per break), or any period of unpaid leave?

- No *(go straight to question 9)*
- Yes *(complete further details of each break below, and if there were more than 3 such breaks, please provide extra information separately)*

Break 1 From: ____/____/____ To: ____/____/____

Reason/Nature of break*: _____

Break 2 From: ____/____/____ To: ____/____/____

Reason/Nature of break*: _____

Break 3 From: ____/____/____ To: ____/____/____

Reason/Nature of break*: _____

*eg, parental leave, break in employment, illness/injury, approved leave, etc.

9. Has the employee already taken any long service leave?

- Yes *(please complete question 10)*
- No *(go straight to question 11)*

Please note, if you included any service with a former employer in your answer to question 7, but that former employer paid the employee out for some or all of their LSL entitlement when that prior employment ended, you should still answer yes to this question.

10. How many weeks of LSL has the employee already taken or been paid for?

_____ weeks (eg, 4.66 weeks)

Calculating employee's "ordinary pay"

If you only want a calculation on the employee's entitlement to LSL in weeks, you don't need to complete this next section. However, if you'd also like an estimate of the amount payable for the employee's leave, please complete the further questions below.

11. Under the terms of their employment, how is/was the employee remunerated as at the calculation date?

Please tick only the box that applies, and then follow the further instructions.

- The employee has/had a fixed ordinary time rate of pay (eg, \$X per hour), but might also receive shift/penalty rates, overtime, allowances, bonuses, etc. from time to time. *(Go to question 12)*
- The employee is/was paid in another way (eg, piece rates, a fee per service, a remuneration package incorporating all-inclusive salary, non-monetary benefits, etc). *(Go to question 13)*

12. Please provide the following further details (employee with fixed ordinary time rate of pay):

- a) What is/was the employee's ordinary time rate of pay as at the calculation date?

\$_____ per hour

Please note, the amount you provide should be the pre-tax ordinary hourly rate, including any applicable casual loading, but not including any shift penalties, overtime or other penalties and excluding superannuation. If the employee has different base rates for different duties (eg, reception duties vs nursing duties), only include the higher rate.

b) Putting aside overtime / occasional additional hours, did/does the employee have “normal” hours of work as at the calculation date?

Yes

No

c) If you answered “yes” to b) above, what is/was the employee’s normal number of hours per week immediately prior to the calculation date?

_____ hours per week

d) If you answered “no” to b) above, how many ordinary hours did the employee work on average per week over the 12 months immediately prior to the calculation date?

_____ hours per week

e) What were the employee’s average weekly earnings (for ordinary hours) in the 5 years ending on the calculation date, excluding amounts payable in respect of shift work, overtime or other penalty rates?

\$_____ per week

Please note, the amount you provide should be the pre-tax rate, excluding superannuation. If you’re unable to provide an exact figure (eg, because the calculation date is a date in the future, or you don’t have access to the necessary payroll reports), then any calculation we perform using the information provided will necessarily only be an estimate.

13. Please provide the following further details (employee without fixed ordinary time rate of pay): *(if you already answered question 12, skip this question and go straight to question 14)*

a) Please describe the different elements of the employee’s remuneration:

b) What was the average weekly wage earned by the employee in the 12 months ending on the calculation date, after excluding any amount payable in respect of shift work, overtime or other penalty rates?

\$_____ per week

Please note, the amount you provide should be the pre-tax rate, excluding superannuation. If you’re unable to provide an exact figure (eg, because the calculation date is a date in the future, or you don’t have access to the necessary payroll reports), then any calculation we perform using the information provided will necessarily only be an estimate.

- c) What was the average weekly wage earned by the employee in the 5 years ending on the calculation date, after excluding any amount payable in respect of shift work, overtime or other penalty rates?

\$ _____ per week

Please note, the amount you provide should be the pre-tax rate, excluding superannuation. If you're unable to provide an exact figure (eg, because the calculation date is a date in the future, or you don't have access to the necessary payroll reports), then any calculation we perform using the information provided will necessarily only be an estimate.

14. Did the employee also receive any commissions or bonuses in the 5 years ending immediately prior to the calculation date?

- Yes *(we may need to ask you further questions about this later)*
 No

15. Does/did the employee receive any board or lodging from the employer immediately prior to the calculation date?

- Yes *(we may need to ask you further questions about this later)*
 No