

*Based on your answers, your employment with the previous (transferor) employer may not be included in the calculation of your redundancy pay with this employer.*

## **122 Transfer of employment situations that affect the obligation to pay redundancy pay**

*Transfer of employment situation in which employer may decide not to recognise employee's service with first employer*

- (1) Subsection 22(5) does not apply (for the purpose of this Subdivision) to a transfer of employment between non-associated entities in relation to an employee if the second employer decides not to recognise the employee's service with the first employer (for the purpose of this Subdivision).

## **22 Meanings of *service* and *continuous service***

*General meaning*

- (1) A period of ***service*** by a national system employee with his or her national system employer is a period during which the employee is employed by the employer, but does not include any period (an ***excluded period***) that does not count as service because of subsection (2).
- (2) The following periods do not count as service:
  - (a) any period of unauthorised absence;
  - (b) any period of unpaid leave or unpaid authorised absence, other than:
    - (i) a period of absence under Division 8 of Part 2-2 (which deals with community service leave); or
    - (ii) a period of stand down under Part 3-5, under an enterprise agreement that applies to the employee, or under the employee's contract of employment; or
    - (iii) a period of leave or absence of a kind prescribed by the regulations;
  - (c) any other period of a kind prescribed by the regulations.
- (3) An excluded period does not break a national system employee's ***continuous service*** with his or her national system employer, but does not count towards the length of the employee's continuous service.