



16 August 2019

[Redacted]
[Redacted]

Reference: OIA-2019/20-0051

Dear [Redacted]

Official Information Act request relating to employee leave entitlements

Thank you for your Official Information Act 1982 (the Act) request received on 24 July 2019. You requested:

I would like to make an OIA request related to Leave Entitlement by leave type ideally for the last year or the latest year available. If you could please provide the following: How many days of each leave type do you provide to your employees? (AL, Sick leave, Any special leave etc.) Can staff purchase additional leave? If yes, how many days? Do you offer extra days (council days etc) as a compensation for Christmas shutdown period? If yes, how many days?

Further to our email to you of 7 August 2019, please find attached the Department of the Prime Minister and Cabinet's (DPMC) leave policy which is being provided to you in full. Please do not hesitate to contact us at information@dpmc.govt.nz if you have any further questions.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Finally, for your information, this response will be published on DPMC's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely

[Redacted signature]

Clare Ward
Executive Director, Strategy Governance and Engagement Group



Leave Policy

Version:	1.0	Contact:	Chief People Officer
Status:	1 July 2017	Approved by:	Andrew Kibblewhite, Chief Executive
Date for review:	1 January 2019	iManage	3310500

Andrew Kibblewhite Chief Executive
Name **Role**

Signature

Date

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LEAVE POLICY

Purpose

1. This policy sets out the conditions for annual leave, sick and domestic leave, long service leave and Departmental Days. It also provides information and principles for Managers for approving leave.

Scope

In-Scope

2. All permanent and fixed-term employees employed by DPMC.

Out of Scope

3. This policy does not apply to casual employees or contractors.
4. Departmental Holidays do not apply to permanent employees whose employment agreement entitles them to leave entitlements of more than 20 days per year.

Definitions

5. The following terms contained in this policy are defined as:

<i>Accrued leave</i>	<i>DPMC employees accrue leave on a fortnightly basis, calculated as a percentage of an employee's annual entitlement based on the hours worked that fortnight.</i>
<i>Anticipated leave</i>	<i>Anticipated leave is leave that is taken before it has been accrued.</i>
<i>Close down period</i>	<i>The days which are not public holidays over the Christmas and New Year period. DPMC closes down over this whole period.</i>
<i>Dependent</i>	<i>A dependent is someone who relies on the employee for care, not having the current capacity to care for themselves.</i>
<i>Domestic leave</i>	<i>Domestic leave is paid or unpaid leave taken when an employee is absent from work because a dependant of the employee is sick or injured. This is considered an extension of sick leave for the remainder of this policy (for the avoidance of doubt domestic leave is taken from an employee's available sick leave balance).</i>
<i>Entitlement (Annual Leave)</i>	<i>Leave entitlement is leave as agreed in an employee's employment agreement. This becomes an entitlement at the 12 month anniversary date of an employee starting with DPMC. This means an employee accrues leave for the first 12 months and then the leave accrued in that first year then becomes an entitlement. Leave continues to accrue for the next year, becoming an entitlement in turn at the next anniversary date.</i>
<i>Entitlement (Sick Leave)</i>	<i>Leave entitlement is leave as agreed in employment agreements. With respect to sick leave, this becomes an entitlement after an employee has completed six months service with DPMC.</i>
<i>Leave balance</i>	<i>Leave balance is a combination of any entitled and accrued leave currently available.</i>
<i>Public service</i>	<i>Definition as in the First Schedule of the State Sector Act 1988.</i>
<i>Sick leave</i>	<i>Sick leave is paid or unpaid leave taken when an employee is absent from work because an illness or injury has rendered them unable to perform their duties.</i>

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Responsibilities

- Responsibilities are set out in Appendix 1.

Relevant Legislation

- Legislation relevant to this policy:
 - Holidays Act 2003 and Holidays Amendment Act 2008 and 2010 and 2016
 - State Sector Act 1998
 - Employment Relations Act 2000

Related Policies

- Related policies, procedures and other official documents are:
 - Health and Safety Policy
 - Leave for Alternative Duties and Special Leave Policy
 - Bereavement/Tangihanga Leave Policy
 - Flexible working arrangements
 - Wellbeing Policy
 - People Development Policy
 - Ending Employment Policy

Annual Leave

Introduction

- DPMC encourages its employees to take leave on a regular basis to promote health and work-life balance.
- Eligible employees are entitled to take a specific amount of paid leave each year to take time away from work to rejuvenate.

Policy Detail

- Eligible employees are entitled to a specific amount of leave as set out in their terms and conditions of employment.
- Employees' entitlement to annual leave starts from the date on which they join DPMC.
- Annual leave accrues during the year on a pro-rated basis based on contracted hours. If an employee's contracted hours change, their annual leave accrual rate is adjusted accordingly.
- Absence from work without prior notice or without a valid reason is a breach of an employee's employment agreement. It can lead to loss of pay for the time involved and, in extreme cases, further disciplinary action up to and including dismissal.

Scheduling and taking leave

- Employees are encouraged wherever possible to take annual leave within the year in which it falls due.
- If your annual leave accumulation reaches 25 days your manager will ask you to submit a written leave plan to bring your leave back to an acceptable amount.
- Should the manager and the employee not reach an agreement as to when the employee will take their annual holidays, the manager may give the employee no less than 14 days' notice of the requirement for the employee to take their annual holidays.
- When applying for annual leave employees are expected to give their manager as much notice as possible.

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19. All annual leave requests are to go through DPMC's online Kiosk for manager approval.
20. When Managers are determining annual leave arrangements, they will take into account the leave requirements of individual employees along with the needs of the business.
21. Managers have the final decision on when leave can be taken.
22. Payment for annual leave will be made in the pay for the period during which the leave is taken. Payment will be calculated in accordance with the Holidays Act 2003.
23. Any annual leave owing to an employee when they leave the department will be paid out to them in their final pay.

Anticipating Annual leave

24. Employees may anticipate any annual leave up to their eligibility level (i.e. 20 days) by applying for such anticipated leave in the kiosk. If they anticipate any annual leave, and they have an outstanding balance when they leave the department, the value of the annual leave taken in advance will be deducted from their final pay.

Cashing up of Annual leave

25. Employees can request to exchange up to one week of annual holidays for cash by 30 June of any one entitlement year.
26. All employees are able to submit a request to cash up annual leave within the following guidelines:
 - From an employee's first service anniversary they are able to request up to one week of their annual leave entitlement (leave balance permitting) to be paid as taxable cash via payroll (this usually equates to 2% of the employee's base salary).
 - Employees may make multiple requests until a maximum of one week is paid out in each entitlement year.
 - If an employee wants to cash up more than one weeks leave it may be approved by the relevant Tier 2 Manager under exceptional circumstances.
27. Managers are under no obligation to approve applications and will consider wellbeing requirements and leave patterns before making a decision to approve or decline a request.
28. If a request is approved, the signed request will be sent to both HR and payroll for processing. Employees will receive written confirmation that their request has been approved and the payment will be made in the next available pay run.
29. The rate of payment for cashing up annual leave is the greater of an employee's ordinary weekly pay or their average weekly earnings for the last 12 months.
30. Cashed up leave payments are taxed at the Extra Pay (Emolument) tax rate, which is a higher tax rate than PAYE.
31. As the amount of leave that can be cashed up is based on a working week, the amount an employee can request will be pro-rated if they work part-time hours. For full time employees, only whole days can be cashed up.
32. To submit a request to cash up annual leave please complete the Cashing-Up of Annual Leave – Form (available on Kāinga) and give it to your manager for consideration.

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Sick Leave

Introduction

33. DPMC encourages employees to take leave to rest and recover when illness or injury means they are unable to perform their work duties.
34. Eligible employees may apply for sick leave when they are unable to perform their work duties because of illness or injury. Sick leave may be paid or unpaid.
35. DPMC recognises that employees may also need to care for an unwell dependent and so enables people to provide this support when required, drawing on their available sick leave for the purpose.

Policy Detail

36. Eligible employees are entitled to a specific amount of sick leave, as set out in their terms and conditions of employment.
37. Employees may use their paid sick leave entitlement to care for, or attend to the needs of, another person who is dependent upon them.
38. Sick leave may accumulate to a maximum of 260 days. This is pro-rated for part-time employees.
39. A medical certificate may be required for any sick leave taken, either for an employee or their dependent.
40. Additional paid leave for sickness (Special Leave) may be approved by the relevant Executive Leadership Team member when all the employee's available entitlement has been exhausted. This will be on a case by case basis, and is to be requested in writing by the employee. The application should set out the reason that the additional leave has been requested, provide an indicative time frame for return to work (where possible), and should be supported with information from a medical or other relevant professional. If an employee is granted sick leave in anticipation of accruing sufficient leave, and then leaves DPMC with an outstanding balance, the value of the sick leave taken in advance will be deducted from their final pay.
41. Sick leave cannot be cashed up by an employee.
42. Sick leave balances which remain when an employee finishes employment with DPMC will not be paid out to the employee in their final pay.

Taking Sick leave

43. Where for reasons of sickness or injury (self or dependents) employees cannot attend work at the time appointed, they should endeavour to notify their Manager within 30 minutes of normal starting time, or as soon as reasonably practicable.
44. If an employee is absent on sick leave for less than a whole day, sick leave is to be debited as a half day, dependent on time of day the employee takes as leave.
45. Sick leave **must** be entered in Kiosk by the employee on the employee's return.

Illness/Injury while on leave

46. When sickness occurs during annual or long service leave, a manager may permit the period of sickness to be debited against the employee's sick leave entitlement. Sick leave is debited providing:
 - the period of sickness is for more than three days;

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- a medical certificate is produced, showing the nature and duration of illness; and
- the sickness does not occur during a period of leave following the termination of employment.

Medical certificates

47. A medical certificate may be required for sick leave taken where an employee is absent for more than three days. The employee is responsible for any expense related to this requirement.
48. Managers can request proof of sickness or injury within the three day timeframe provided they give the employee reasonable notice that this is required. In such a circumstance, DPMC will meet the cost of providing the medical certificate or other proof. Before a manager uses this provision the request should be discussed with HR.
49. If an employee has been absent on account of illness for more than three months, they must produce a medical certificate certifying that they are fit to resume work before they are permitted to do so.
50. Return to work after a lengthy absence may require a conversation between the employee and their manager to ensure a healthy return to the work place. The manager may request information from the employee's doctor or other medical professional to understand how the return to work should be managed, and how the workplace can support the employee's return.
51. If a manager has concerns about an employee's wellbeing or health in the work place following a long term of absence for sickness they can request that the employee obtains a medical examination from a registered medical practitioner. If a manager wishes to make a request they must:
 - Seek the consent of the employee, and ask them to sign a consent to request medical information (letter to be provided by HR)
 - Ask the employee to sign a Medical Request Approval letter.
 - Work with the employee to secure mutual agreement on the medical practitioner who will provide the examination.
52. DPMC will be responsible for any costs associated with this request.
53. Both DPMC and the employee will receive a copy of the medical report.

Accident Compensation

54. If you have an accident (work or non-work) that requires time off work and/or medical treatment you can put a claim through the Accident Compensation Corporation (ACC). The ACC may assist with your medical costs and provide you with an income until you are able to return to your job. You must liaise with Human Resources if you need to take time off work following an injury or accident as the ACC payments may be able to be paid to you directly through the DPMC payroll.
55. If you have an accident that requires time off work, you should, as soon as possible, inform your manager. If you are unable to do so, you should make every attempt to ensure that someone else informs the department for you.

Long Service Leave

Introduction

56. DPMC recognises the commitment and contribution of long serving public servants.

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57. Additional leave entitlements are provided to those employees who have made lengthy contributions to DPMC and the wider public sector.

Policy Detail

58. Eligible employees are entitled to a specific amount of long service leave, as set out in their terms and conditions of employment. This entitlement is pro-rated for part-time employees.
59. Long service leave is based on continuous service. An employee's entitlement to 10 days of Long Service Leave occurs after 10 years of continuous service within the Public Service or Parliamentary Service, then an additional 5 days of Long Service Leave for continuous service after 15 years and a final 5 days of Long Service Leave after 20 years of continuous service.

Scheduling and taking long service leave

60. Employees must take long service leave within five years of last entitlement falling due.
61. When applying for long service leave, employees are expected to give their manager as much notice as possible.
62. All long service leave requests are to go through DPMC's online Kiosk for manager approval. When applying to take leave long service leave through the Kiosk, employees must ensure that they select the long service leave type.
63. As long service leave is an entitlement the leave could, with the agreement of your manager, either be taken in one block or it could be split up to fit with the needs of the employee and the operational needs of the organisation.
64. When Managers are determining long service leave arrangements, they will take into account the leave requirements of individual employees along with the needs of the business.
65. Managers have the final decision on when leave can be taken.
66. Payment for long service leave will be made in the pay for the period during which the leave is taken. Payment will be calculated in accordance with the Holidays Act 2003.
67. Any long service leave owing to an employee when they leave the department will be paid out to them in their final pay.

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Departmental Holidays

Introduction

68. Because of DPMC's commitment to employees' wellbeing, DPMC encourages all staff to take a reasonable break away from the office over the Christmas/New Year period.

Policy Detail

69. Eligible employees are entitled to up to five days' paid holiday during the Christmas and New Year period.
70. Departmental Holidays will be available each year on the dates determined by the Executive Leadership Team to constitute DPMC's 'close down period' for that year.
71. These could typically fall in the period immediately after Boxing Day, and will be calculated as those days which are not public holidays over that time.
72. This leave is granted in addition to employees' annual leave entitlements but does not apply to permanent employees whose employment agreement entitles them to leave entitlements of more than 20 days per year.
73. Any employee who would not normally work on those days of the week is not eligible for this entitlement.
74. Employees will be advised of the dates of the departmental holidays each year prior to the Christmas period.
75. Eligible staff will not be required to take annual leave for the days over the agreed "close down" period, and therefore leave does not need to be recorded within Kiosk. Payroll will load departmental holidays for those who are eligible.
76. Any employee who is not eligible for this entitlement will be required to request annual leave through the staff kiosk.
77. Departmental holidays shall be granted by the Chief Executive as leave on ordinary pay.
78. All employees are expected to take this leave unless there is a good reason why they should instead be at work. This must be approved in advance by their manager. An employee required to work on a departmental holiday may take a day's leave in lieu in the calendar year immediately following, with prior agreement of their manager. Such leave will not accrue beyond that calendar year.

Study Leave

Introduction

79. To allow staff to enhance their careers and develop their skills through education and training.

Policy Detail

Time Off

80. Time off on pay for part time study, including travelling time may be granted to attend lectures, tutorials, exams, block and laboratory courses, or the vacation courses associated with correspondence study. In addition, one day's paid study leave for each examination paper may be taken during the fortnight prior to the exam.
81. Further details on study assistance is covered in the People Development Policy.

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Leave for Staff Union Delegates

82. The Chief Executive may approve time off for Union delegates/staff representatives to attend courses which will enhance the ability to represent the needs and concerns of staff.
83. Time off for Union delegates/staff representatives is subject to the department's operations not being unduly disrupted, and you should give at least three weeks of notice of your wish to attend.
84. The Chief Executive may allow staff to attend two meetings per year on ordinary pay with staff representatives. These meetings must be no longer than two hours each.

Retiring Leave

85. Retirement leave applies only to those employees who were covered by the retirement provisions in a contract of employment with the Chief Executive as at 30 June 1992, and is applied as per those provisions.
86. The Chief Executive must be satisfied that the employee is retiring rather than resigning before approving retiring leave.
87. The table to be used to work out retiring leave entitlements for those who qualify is listed in Appendix 2.

Mondayising Anzac & Waitangi Day

88. From 1 January 2015 the public holiday for ANZAC Day and Waitangi Day will be "Mondayised" if they fall on a Saturday or Sunday.
89. This means, if Waitangi Day or ANZAC Day fall on a Saturday or Sunday:
 - For employees who **would not otherwise** work on that Saturday or Sunday, the public holiday must be treated as falling on the following Monday. The employee is then entitled to be paid for the Monday (as a Stat Day) at their normal rate.
 - For employees who would otherwise work on that Saturday or Sunday, the public holiday must be treated as falling on that day. The employee is then entitled to an alternative holiday (a day in lieu) in addition to being paid at least time and a half for the hours worked.
 - For the employee who is required to work on a public holiday, and that day would not normally be a working day, they are entitled to be paid at least time and a half for the hours worked.
90. In the situation where a public holiday has been transferred by agreement to another day, the employee is entitled to be paid at least time and a half, and be given a day in lieu if the employee is required to work on the agreed transfer date.

Responsibilities

The Chief Executive is responsible for:

- approving the Leave policy following appropriate consultation; and
- approving any exceptions to Annual Leave arrangements that are above or beyond the provisions of an employment agreement or this policy

Business Unit/ Group Managers are responsible for:

- ensuring that they understand DPMC's Leave Policy and processes, and implementing these appropriately in line with employment terms and conditions for individuals;
- handling individual queries relating to DPMC's Leave Policy and processes from their own employees, consulting with HR to discuss and clarify any areas of uncertainty;
- consistently applying DPMC's Leave processes;
- referring staff to this policy when appropriate;
- ensuring annual leave balances are maintained across their teams and high balances are addressed with individuals; and
- approving leave requests as appropriate in terms of this policy.

DPMC employees are responsible for:

- applying for leave in accordance with the principles stated in this policy;
- seeking manager approval before taking any leave;
- ensuring that they are not absent from work without prior notice or without a valid reason; and
- ensuring their own Health and Safety (as much as practicable) and that, in line with the Health and Safety policy, they take no action or inaction that may harm themselves or others in the workplace.

HR are responsible for:

- Supporting managers in achieving the aims of DPMC's leave Policy, through;
 - providing support and advice to managers; and
 - processing leave requests as appropriate in terms of this policy.

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APPENDIX 2

Retirement Leave Policy

Definition

In accordance with the Human Rights Act, the department no longer requires you to retire at the age at which you become eligible for National Superannuation. Retirement is therefore defined as the permanent cessation of regular paid employment.

Retiring Leave Eligibility

The Retirement Leave policy applies only to those of you who were covered by the retirement provisions in a contract of employment with the Chief Executive as at 30 June 1992.

The Chief Executive must be satisfied that you are retiring rather than resigning before approving retiring leave.

If you meet the eligibility criteria you will be granted retiring leave as set out in the table below; provided that any compassionate grant made, is deducted from any retiring leave entitlement. For part-time employees retiring leave will be calculated on a pro-rata basis according to your record of service.

<i>Note: All service is calculated on the basis of a calendar year. Entitlement (in working days)</i>						
<i>with Service of Years and Months Specified</i>						
Months	0	2	4	6	8	10
Years						
10	22	23	24	24	25	26
11	26	27	28	29	29	30
12	31	31	32	33	34	34
13	35	36	36	37	38	39
14	39	40	41	41	42	43
15	44	44	45	46	46	47
16	48	49	49	50	51	52
17	52	53	54	54	55	56
18	56	57	58	59	59	60
19	61	61	62	63	64	64
20	65	65	65	65	65	65
25	65	66	66	67	68	69
26	69	70	71	71	72	73
27	74	74	75	76	76	77
28	78	79	79	80	81	81
29	82	83	84	84	85	86
30	86	87	88	89	89	90
31	91	91	92	93	94	94
32	95	96	96	97	98	99
33	99	100	101	101	102	103
34	104	104	105	106	106	107
35	108	109	109	110	111	111
36	112	113	114	114	115	116
37	116	117	118	119	119	120
38	121	121	122	123	124	124
39	125	126	126	127	128	129
40	131					