

OTAGO POLYTECHNIC MANAGEMENT POLICY		Number: MP0484.00
Title:	Leave Management (includes Parental Leave)	
Baldrige Criteria	5 Workforce	
Approved by Chief Executive	Approval Date: 22 August 2016	Effective Date: 22 August 2016
Previous Policy Number	MP0481, MP0482	Review Date: as required
Contact Authority:	Director: Organisational Development	Status: current

Purpose The purpose of this policy is to provide guidance for Staff and Formal Leaders as to the management of leave.
This policy applies to all staff except casual staff where only sick leave applies.

The following leave types are covered – annual, discretionary, long service, leave without pay, sick leave (including wellness day), domestic (family) leave, bereavement leave, parental and paternity leave, jury service, and time in lieu.

Statutory Compliance Employment Relations Act 2000 and all subsequent amendments
Holidays Act 2003
Parental Leave and Employment Protection Act 1987 and all subsequent amendments
Paid Parental Leave Amendment Act 2004 and all subsequent amendments.

Responsibilities Staff are responsible for ensuring that they enter your their annual, discretionary and long service leave requests into ME@OP prior to 1st March, each year. In the absence of submitted leave requests, the leave shall be taken according to the standard leave calendar. Staff must ensure that all their annual and discretionary leave (if applicable) is used by 31 January the following year.

It is the responsibility of the Formal Leader to approve Staff leave, (they can delegate this responsibility), ensuring all leave in their area is used by the above dates or approval to carry over leave (in exceptional circumstances only) has been applied for formally. Staff must be provided with the opportunity to take leave.

Policy and Procedures

1. Staff and their formal leader have an obligation to ensure that leave is managed proactively and used by 31 January the following year. Active management throughout the year is needed by both the staff member and the formal leader to ensure staff are provided with sufficient breaks, and that unusable and costly amounts of leave do not accrue.

2. **Entitlements to Leave**
Entitlements to annual leave, long service leave, sick leave or discretionary leave (academic staff only) are set out in the staff member's employment agreement.

3. **Annual and Discretionary Leave**
 - 3.1. The leave year is 01 January XX to 31 December XX. Annual and Discretionary Leave accrued during that time must be used by the 31 January the following year.
 - 3.2. HR Self Service (ME@OP) will be used to determine the leave entitlements as at the 31st of January each year. The planned leave for the year must be entered into ME@OP before the 1st March each year. Changes and updates to your leave can be made at any time throughout the year up to October (see 3.4), as long as the leave is still used within the leave year. Retrospective changes where you have had leave booked in but not taken will only be approved by Formal Leader in exceptional circumstances.

- 3.3. Discretionary Leave must be used within the year it is accumulated and cannot be carried over. If discretionary leave is not used within the year it is accumulated it will be forfeited.
- 3.4. The last date to change any applied for leave in Me@OP is 30 October. This is to ensure that you still have sufficient time within the year to take all your leave by 31 January the following year. Leave will not be changed after this date except in unforeseen circumstances and at the Formal Leader's sole discretion.

4. Deduction of Leave

- 4.1. Leave will be deducted from the staff member's leave balance in accordance to the days entered into and approved in ME@OP. A confirmation email will be sent to the staff member.
- 4.2. Staff must not substitute other approved days outside the system as this is an official record under the Holidays Act 2003.

5. Standard Closedown Period for All Staff

All staff shall include in their leave those days which arise from the closure of the Polytechnic over the Christmas and the New Year period, unless they are required to be on duty.

6. Annual Leave Carried Forward

- 6.1. Any annual leave carried forward must be applied for at the same time as planned leave by 01 March 2016.
- 6.2. In exceptional circumstances staff may carry forward up to 10 days of unused annual leave. Exceptional circumstances may include personal circumstances; or may arise from the operations of the Polytechnic. The maximum of 10 days must be approved by the staff member's formal leader and may carry conditions.
- 6.3. Annual leave may only be carried forward when it has been entered into ME@OP by the staff member and approved by their formal leader.

7. Long Service Leave

- 7.1. Long Service leave is for general staff only and if applicable will be shown on the leave balances within ME@OP at the date entitlement becomes due.
- 7.2. It must be used within 5 years of receiving the entitlement or it will be forfeited.

8. Time In Lieu

- 8.1. Time in Lieu is not standard practice at Otago Polytechnic, but may occur from time to time in extreme circumstances only with prior written approval.
- 8.2. If the workload is regularly unmanageable we consider this to be unsustainable and this should be addressed separately with the staff member's formal leader. Time in lieu does not apply to this circumstance.
- 8.3. The following principles must be adhered to before entering into Time in Lieu:
 - 8.3.1. The work is unforeseen, significant, unplanned, not-standard and timeframe for completion is non-negotiable.
 - 8.3.2. Prior approval from the Formal Leader must be obtained.
 - 8.3.3. Time in lieu must be taken within the fortnight it is accumulated, at a mutually agreed time or it will be forfeited (it cannot be carried over). This must be taken at a time when appropriate cover is available.
 - 8.3.4. Recording and management of time in lieu is the responsibility of the School or Service area and is not recorded in ME@OP.

Example: HR database has gone down and payroll needs to catch up on work when the system is up and running again. Extra hours are worked and then staff can take some short days in the future to balance out the time. This is a one off unforeseen situation and the timeframe for the payroll was unable to be moved.

9. Unplanned Leave – Sick, Domestic and Bereavement Leave

- 9.1. The following actions are required to ensure the work area is informed and the requirements of the Holiday's Act 2003 are met with regard to the recording of leave:
 - 9.1.1. Staff will be responsible for ensuring unplanned absences such as sick leave, bereavement leave; domestic leave, etc. are notified to their School or Service Administrator or formal leader as early as possible.
 - 9.1.2. The staff member must inform the work area's Administrator immediately when they return to work to ensure correct recording of leave taken.
 - 9.1.3. Administrators are responsible for recording this leave in HR Self Service (ME@OP). On completion of this task staff members will receive an email confirming the recorded leave. It is the staff member's responsibility to check the recorded leave is correct.

10. Leave Without Pay (LWOP)

- 10.1. All paid leave (annual, discretionary, long service) must be used before an extended period of unpaid leave is commenced. LWOP will be part of the total period of absence.
- 10.2. Any period of unpaid leave requires a written application to the staff member's formal leader. The application will be accepted or declined depending on circumstances of the application. Once accepted, the following conditions will apply:
 - 10.2.1. Periods of unpaid leave will not accrue annual or discretionary leave.
 - 10.2.2. **LWOP 10 days or more**
An approved application for a period of unpaid leave exceeding 10 work days must be forwarded to Human Resources by the formal leader for a formal letter to be written. This must occur at least one week prior to the start date of the leave without pay to avoid overpayment. If the request is not provided on time any overpayment will be recovered from the next available pay.
 - 10.2.3. **LWOP 10 or less days**
A period of 10 or less work days can be requested through Payroll who will enter the leave into the system.

11. Jury Service Leave

- 11.1. If a staff member is summoned for Jury Service they must provide a copy of summons to their formal leader and/or Administrator.
- 11.2. If Jury service will impede the Polytechnic's operational requirements, the Polytechnic may require the staff member to seek exclusion from Jury Service and the Polytechnic will supply a written letter of support for that application for exclusion.
- 11.3. A staff member shall return to work as soon as possible if not selected for Jury Service. All Jury Service must be recorded through ME@OP.
- 11.4. If a staff member is required to attend a court on jury service, and on the production of a statement from the registrar of the court, they will be paid their normal salary for the days involved in Jury Service. The staff member will reimburse to the Polytechnic all payments received from the court excluding any reimbursing payment for travel, accommodation or meals.

12. Parental Leave

- 12.1. Staff are eligible for Parental Leave under the conditions of the Parental Leave and Employment Protection Act 1987 and Paid Parental Leave Amendment Act 2004. Information can be found on the Ministry of Business Innovation and Employment website www.mbie.govt.nz.
- 12.2. Parental Leave will not apply to you if you are a casual or fixed term for less than six months.
- 12.3. If a staff member is contemplating applying for parental leave they need to talk with one of the Human Resources Partner or their union representative to determine their entitlements and seek more detailed advice relevant to their employment circumstances. All enquiries will be treated with confidence. Please refer to appendix one for an overview of the parental leave process.
- 12.4. Employment agreements for replacement staff will include information regarding the notice period given if the staff member advises they are returning to work early.
- 12.5. **Return from Parental Leave**
At the end of the Parental Leave the employee must return to the contracted hours they were working prior to commencement of parental leave. If the employee wishes to vary the number of hours that they work, this will need to be discussed with their Manager (in conjunction with Human Resources) to see if alternative arrangements can be made, and formally applied for in writing. The Polytechnic is not required to alter the hours of work.
- 12.6. The employee is required to give a minimum of 21 Days' notice in writing of their intention to return to work or not as per the original return to work date.

13. Parental Leave Grant

- 13.1. Entitlements for the parental leave grant may differ according to the staff member's employment agreement.
- 13.2. When you return to work and remain in your substantive position for at least 6 weeks you will qualify for the parental leave grant.
- 13.3. The amount of the grant is six weeks ordinary pay at the rate of pay and hours of work at the time of application (6 weeks after return). A staff member who returns to work on less than their substantive position qualifies for a pro rata grant based on the hours they return to.
- 13.4. If both the staff member and the staff member's partner are employed at Otago Polytechnic and are eligible for the payment, then they are entitled to only one payment and must choose who will receive it. Only one parental grant will be paid during any 12 month period.
- 13.5. In order to claim the grant, the staff member must produce satisfactory evidence of the birth status of the child, adoption under the relevant statutes, or whāngai. A formal application (available on Insite) needs to be submitted to Human Resources 6 weeks after returning to work.
- 13.6. If the staff member is entitled to the parental leave payment and resign from their substantive position, or reduces their substantive position, at their request within six (6) calendar months of returning from parental/maternity leave, they will be required to refund the payment on a pro rata basis, based upon one week (five working days) forfeiture for each month or portion thereof not worked.

Referral Documents

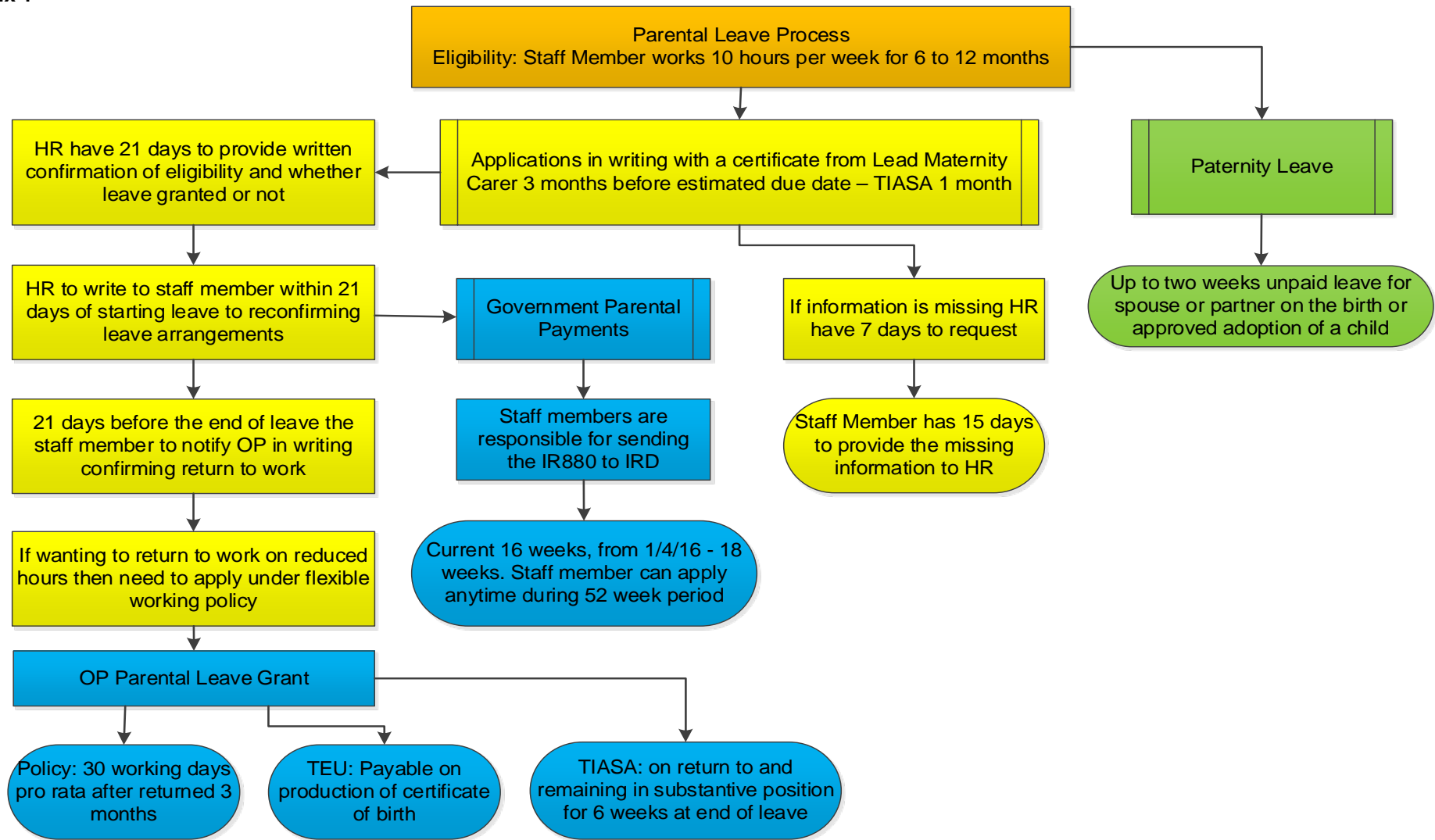
Individual Employment Agreements
TEU Collective Agreement
TIASA Collective Agreement
NZEI Te Riu Roa (Early Childhood Collective)
Parental Leave Grant Form

Approved by Chief Executive
Date: 22 August 2016



<http://creativecommons.org/>

Appendix 1



Notes:

1. Annual leave continues to accrue and is calculated on average earnings
2. Parental leave counts as service for sick leave, long service leave and salary increments
3. Special leave of up to 10 days unpaid can be used for appointments etc. – can utilise sick leave instead
4. Variation to start date and transfer of duties: OP can direct an employee to leave early or transfer due to safety
5. Early return to work or start of preference period: If the child is miscarried, stillborn, dies or is adopted or cared for by someone else, may require a medical certificate
6. Parental leave grant requires application form and certificate of birth or approved adoption/whangai placement