

Leave and Additional Hours Policy

Part of the Children and Young People's Commission Human Resources Policy Framework

November 2023

Ihirangi | Table of contents

Version control	3
Te aronga Policy purpose	4
Tauākī Policy statement	4
Whakatinanatanga Policy application	4
Ngā haepapa Responsibilities	4
Procedure to submit a request for leave	5
Procedure for managers to approve leave	6
Types of leave and entitlements	6
Annual leave	6
Bereavement and tangihanga leave	8
Sick leave	8
Commission days	9
Leave while on ACC	10
Parental leave	11
Special leave	13
Leave for volunteer work	14
Jury and witness leave	15
Employment relations education leave	15
Sabbatical leave	16
Study leave	16
Additional hours and Time off in lieu (TOIL)	17
Tiaki leave	18
Family violence leave	19
Cultural leave	20
Ngā tuhinga pākanga Related legislation, regulations and documents	20
Kuputaka Definition of terms	21

Version control

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Te aronga | Policy purpose

This policy specifies the requirements for managing the different types of leave available at Mana Mokopuna - the Children and Young People's Commission (the Commission).

Tauākī | Policy statement

The wellbeing of kaimahi is a priority for the Commission. Part of maintaining wellbeing is the ability to take time off from work. Kaimahi can take time off work for a number of reasons. Not all kaimahi have the same leave entitlement, so you should read this policy alongside your employment agreement.

The Commission is committed to giving effect to Te Tiriti o Waitangi in all aspects of the commission's policies, practices, and decision-making processes. We strive to ensure we are recognising our kaimahi in the context of their whānau, hapū, iwi and community.

Whakatinanatanga | Policy application

This policy applies to all the Commission as follows:

- kaimahi and managers.

Ngā haepapa | Responsibilities

Kaimahi responsibilities

- Read your employment agreement alongside this policy so you understand your leave entitlements and ask your manager if you have any questions.
- Talk with your manager about your plans for leave of all types.
- Follow this policy to apply for leave.
- Send any requests for special leave with or without pay to your manager in the first instance, for consideration.
- When off work due to sickness or an accident keep your manager informed of your progress and likely return to work.

Manager responsibilities

- Talk with your kaimahi to ensure they understand their leave entitlements and have a plan in place to take periods of leave for rest on a regular basis.
- Approve, decline, or withdraw a leave request using the Datacom EasiESS system.
- Where kaimahi have exhausted their sick leave entitlement but remain unable to work due to illness or an accident, consult with the Human Resources Manager about options and seek approval from the Chief Executive if required.
- Consider requests from kaimahi for special leave with or without pay and, where supported, seek Chief Executive approval.
- Ensure kamahi are kept up to date with any changes to this policy.

- Talk with the Human Resources Manager if you have any questions or need any advice.

Chief Executive responsibilities

- Approving or declining leave types identified in this policy as requiring Chief Executive consideration.

Procedure to submit a request for leave

You can use this procedure to apply for most types of leave. However, in some cases, you may need to take different steps. Refer to the relevant leave section in this policy to check if there are additional steps or discussions required before you submit your request for leave.

If you are unsure about the procedure, your manager can help you to apply for leave.

Step	Action
Step 1: Review your entitlement	Review your employment agreement alongside the relevant section in this policy to determine your entitlement to the leave. Talk to your manager if you are unsure.
Step 2: Talk to your manager/submit a request	As soon as you know you want to take leave, talk to your manager and/or submit a request for leave. This will ensure your manager has enough time to make alternative arrangements, if required. Your manager can also submit a leave request on your behalf if you are, for example, away sick for an extended period.
Step 3: Apply for leave	To apply for leave, log in to the Datacom EasiESS Pay and Leave system from your computer or via the Datacom app, which can be downloaded onto your work device (see Corporate Services for instructions).
Step 4: Follow the 'request for leave' process	Follow the kaimahi 'request for leave' process by ticking the relevant boxes and entering the relevant times.
Step 5: Complete your request	On completion, tick the final 'ok' box. Your request is automatically forwarded to Datacom in a 'pending' state and to your manager for consideration.
Step 6: Manager review and approval	Your manager will consider your request and may discuss it with you. Your manager will follow the Procedure for Managers to Approve Leave in this policy. If an application is declined, your manager will confirm the reason in the reply through Datacom but will also

	discuss with you whether any other arrangements can be made.
Step 7: Receive confirmation	You will receive an emailed confirmation directly from Datacom.

Procedure for managers to approve leave

Step	Action
Step 1: Receive request	Requests for leave are automatically forwarded to you from the Datacom EasiESS Pay and Leave system. These requests will be in a 'pending' state for you to consider. You can also submit a request on behalf of a kaimahi if they are, for example, away sick for an extended period.
Step 2: Consider the request	Consider the request and discuss it with the kaimahi, if required.
Step 3: Approve/decline the request	You can approve, decline, or withdraw a leave request using the Datacom EasiESS Pay and Leave System. If you decline a request, confirm the reason in the reply through the system and talk to the kaimahi to see if any other arrangements can be made.
Step 4: Save the diary appointment	You must save the diary appointment generated when a leave request from a kaimahi is received in your Calendar.

Types of leave and entitlements

Annual leave

Taking annual leave is important to ensure kaimahi have time for rest and relaxation outside of mahi.

We encourage you to take a large proportion of your leave (ideally a 10-day period) at one time, so you get a good break from mahi.

Your manager must approve when and how much leave you take. You should agree on an annual leave plan with your manager to ensure you take adequate periods of leave throughout the year. The time of taking leave must suit your needs and the needs of the Commission.

Notification

You must request leave as soon as possible to help facilitate work programme planning. You must follow the Procedure to submit a request for leave in this policy.

Entitlement

You are entitled to a certain amount of annual leave in any one year, as outlined in your employment agreement. If you have any questions about your annual leave entitlement, please talk to your manager.

You begin earning annual leave from your start date with the Commission, on a fortnightly basis. However, as per the Holidays Act 2003, you do not officially become entitled to annual leave you are earning, until the 1-year anniversary of your employment with the Commission. In agreement with your manager, you may take accrued leave prior to your 1-year entitlement date.

With your manager's agreement, you may anticipate up to five days of annual leave from your next entitlement. However, if you end your employment with the Commission before you become entitled to this leave, the value of the leave taken will be deducted from your final pay.

You can carry over up to five days annual leave into your next entitlement year and your manager must approve this.

Requirement to take annual leave

The Commission may require you to take annual leave on 14 days' notice, in accordance with the Holidays Act 2003.

It is standard for the Commission to have an annual close down period over the Christmas holidays and kaimahi are expected to use some of their annual leave during this time.

Cashing up annual leave

The Commission encourages kaimahi to use their annual leave to maintain their wellbeing and have time away from mahi to rest and recover.

However, in exceptional circumstances, where kaimahi have a high number of annual leave days or are experiencing financial hardship, a request to 'cash up' part of their entitled annual leave can be considered. Annual leave may be exchanged for cash, or cashed-up, up to a maximum of one week for each entitlement year. This can only be considered for kaimahi who have been employed by the Commission for 12 months or longer.

To request a cash up of their annual leave, kaimahi must make a request to their manager by completing a *request to cash up annual leave form*. The request will be considered by the manager in consultation with the Human Resources Manager and the manager will confirm the decision with the kaimahi in writing.

Annual leave will be cashed up in accordance with the Holidays Act 2003 and payment will be made in the next available pay run.

Kaimahi can request to cash-up less than a week at a time and can make more than one request until a maximum of one week of the employee's minimum annual holidays is paid out in each entitlement year.

Bereavement and tangihanga leave

If you and/or your whānau suffer a bereavement, it is important that you take the time you need to grieve.

Notification

If you are unable to come to work because you or your whānau have suffered a bereavement, you must notify your manager as soon as you can.

You will need to discuss bereavement leave with your manager so that an appropriate amount of leave can be agreed.

Entitlement

The Commission will provide kaimahi with paid time off for tangihanga and bereavement to an amount that is appropriate for you, your whānau and your cultural needs.

Bereavement leave applies not only for tangihanga or funeral but also to attend a hura kōhatu or unveiling. Bereavement leave will be provided if you have a miscarriage or stillbirth, or if another person has a miscarriage or stillbirth and you are:

- the person's partner
- the person's former partner and would have been a biological parent of a child born as a result of the pregnancy
- had agreed to be the primary carer of a child born as a result of the pregnancy (e.g. through a formal adoption or a whangai arrangement)
- the partner of a person who had agreed to be the primary carer of a child born as a result of the pregnancy.

The period of bereavement leave will be agreed between you and your manager on a case-by-case basis. When agreeing on the appropriate amount of paid leave for a bereavement, you and your manager will consider:

- the closeness of your association with the deceased
- whether you have any cultural obligations or responsibilities in relation to the death, tangihanga or funeral arrangements
- time required for travel to attend tangihanga or funeral.

Kaimahi are entitled to bereavement leave from the time they start working at the Commission.

This leave is inclusive of, and not in addition to, the bereavement leave entitlement specified in the Holidays Act 2003. (Please refer to the Holidays Act 2003 for further detail.)

If an agreement on the number of days needed for bereavement leave cannot be reached, your manager will determine the period of leave following consultation with you and the Human Resources manager.

Sick leave

The Commission does not expect you to work if you are unwell. You can take leave if you are sick or injured, or to attend to a person who is sick or injured and depends on you for care.

Notification

If you are unable to come to work because you or someone who depends on your care is sick or injured, you must notify your manager as soon as you can and indicate how long you think you will be away from work. You must follow the Procedure to submit a request for leave in this policy.

Medical certificate and examination

You may be required to see a doctor and obtain a medical certificate to support your absence, particularly in the case of extended leave.

If a medical certificate is required for a period of sick leave of less than three days, your manager will ask for this as soon as possible and the Commission will reimburse you for the cost of getting the medical certificate.

If the period of sick leave is three days or more, you must meet the cost of getting the medical certificate yourself.

Entitlement

You are entitled to sick leave in accordance with the sick leave provisions in your employment agreement, which at a minimum, align to the entitlement under the Holidays Act.

If you use sick leave frequently or for long periods, and this impacts your ability to perform your duties, your manager will discuss this with you to identify and manage the underlying cause.

If your sick leave entitlement is exhausted, your manager will consider other options for managing sick leave, in consultation with the Human Resources Manager.

Options that may be considered include agreement to anticipate paid sick leave up to a maximum of 5 days from your next entitlement, agreement to use another leave type such as annual leave, agreement to a permanent or temporary flexible working arrangement, or approval for paid or unpaid special leave. Approval from the Chief Executive is required for paid or unpaid special leave, including for requests from managers.

COVID-19 Leave

If you or someone who depends on you for care has tested positive for COVID-19 and is required under public health guidelines to isolate, paid COVID-19 leave will apply for the duration of the isolation period, or the period that you are unable to work, whichever is the lesser amount.

This leave type is in addition to sick leave entitlements and will be reviewed as and when public health guidelines on isolation requirements for COVID-19 change.

Commission days

Kaimahi may be provided paid Commission days for the period between Christmas and New Year for the purposes of rest and recreation.

Entitlement

The number of Commission days provided each year is outlined in kaimahi employment agreements. These days are to be used between Christmas and New Year.

Unless approval is given by the Chief Executive these days cannot be used at any other time throughout the year and cannot be accumulated nor paid out on termination of employment.

Notification

Commission days for kaimahi will be applied automatically in Datacom to cover the working days between Christmas and New Year.

Additional entitlement for those in Manager or Senior Specialist roles

Those in Manager or Senior Specialist roles (positions in salary ranges ono – iwa) may sometimes be required to undertake additional hours in order to do their jobs. In recognition of this, kaimahi in such roles will receive an additional three Commission days each year, on top of the entitlement provided for in their employment agreement.

The additional days can be used at any time throughout the year and should be applied for using the Procedure to submit a request for leave in this policy.

The additional entitlement for Managers and Senior Specialists renews on 1 July each year and cannot be accumulated nor paid out on termination of employment.

Leave while on ACC

Work incident

If you are sick or injured as a result of a work incident and are being paid 80 percent of your salary by ACC, you can request that up to 20 percent of your salary is met from your available sick or annual leave.

This will be deducted from your available sick or annual leave balance. If your sick leave entitlement is exhausted, we will consider other options to cover the 20% of your salary not covered by ACC. Options include agreement to anticipate paid sick or annual leave up to a maximum of 5 days from your next entitlement, or approval for paid special leave. We may also agree that it is not appropriate that we continue to cover the payment. The Chief Executive may need to approve the agreed option.

Non-work incident

If you are sick or injured as a result of a non-work incident that is managed by ACC, you will need to claim your first week off from the injury as sick leave.

After this, ACC will normally pay 80 percent of your salary and you can request that up to 20 percent of your salary is met from your available sick or annual leave. This will be deducted from your sick leave balance. If your sick leave entitlement is exhausted, we will consider other options to cover the 20 percent of your salary not covered by ACC. Options include agreement to anticipate paid sick or annual leave up to a maximum of 5 days from your next entitlement, or approval for paid special leave. We may also agree that it is not appropriate that we continue to cover the payment. The Chief Executive may need to approve the agreed option.

Returning to work

In the case of longer periods of sick leave absence, at the earliest possible opportunity your manager will request advice from you and a medical practitioner as to your condition and expected return date.

Your manager will work with you to ensure your return to work is managed appropriately.

Parental leave

We recognise the importance of new mokopuna joining your whānau and support you taking parental leave so you can spend this important time with your whānau.

Notification

Because of the potential length of absence, it is important to let us know you want to take parental leave as early as possible.

You do not need to make a formal application in the first instance. However, if you are considering taking parental leave or want to find out more about it you should talk to your manager.

Applying for parental leave

You must make a formal request in writing to your manager for parental leave at least three months before the date on which you wish to commence the leave.

As part of this you need to indicate the date you wish to commence the leave and the date you expect to return to work. Your manager can finalise these dates with you closer to the date you take parental leave, if necessary, as long as we have enough time to put in place cover for your absence.

Entitlement

Parental leave can be taken by eligible kaimahi where they are going to be the primary carer of a mokopuna under 6 years of age, whether the mokopuna is joining your whānau through birth, whāngai, adoption or you are otherwise taking permanent primary responsibility for the care, development, and upbringing of the mokopuna.

You are entitled to parental leave in accordance with the provisions of the Parental Leave and Employment Protection Act 1987. The amount of parental leave available depends on your length of service with us. There are two criteria tests to determine the amount of parental leave someone may be eligible for:

1. **Six-month employment criteria:** If you have been employed by the Commission for at least an average of ten hours a week in the six months immediately preceding the expected due date, or the date you take permanent responsibility for the care of a child under six years, you are entitled to 26 weeks' parental leave.
2. **Twelve-month employment criteria:** If you have been employed by us for at least an average of 10 hours a week in the 12 months immediately preceding the expected due date, or the date you take permanent responsibility for the care of a child under six years, you are entitled to 52 weeks' parental leave.

Qualifying for parental leave

Parental leave is available for all eligible kaimahi, except those on casual employment agreements. For kaimahi on fixed term agreements, parental leave would apply until the end date of your term of employment.

Support during kōpūtanga / pregnancy

We are committed to supporting kaimahi during their pregnancy and will try to accommodate any additional requirements you may have during this time. This may include flexible working arrangements as a transition measure, such as working from home where possible and reduced working hours.

If you are pregnant, you can take up to 10 days of unpaid leave for reasons connected with your kōpūtanga.

Parental leave types

Parental leave is an overarching unpaid leave type that consists of:

1. **Primary carer leave:** Unpaid leave of up to 26 weeks, which must be taken over one continuous period commencing no earlier than 6 weeks before the expected due date (it may start earlier in particular circumstances) and no later than the date of birth. In other cases, the primary carer leave starts when the kaimahi becomes the primary carer of the mokopuna.
2. **Partner's leave:** Unpaid leave of either 1 or 2 weeks (dependent on the 6- or 12-month criteria test included below) to be taken in a continuous block. This leave can be taken up to 21 days before the expected due date or from the date of birth. Partner's leave must end 21 days after the birth, or the date discharged from hospital if longer than 21 days after birth.
3. **Extended leave:** Unpaid leave up to a maximum of either 26 weeks or 52 weeks (less any primary carer leave taken). For example, if you are entitled to 52 weeks parental leave and take 26 weeks primary carer leave, there are 26 weeks leave left to take as extended leave. Extended leave can be shared (either separately or at the same time) between both the person who is pregnant or has given birth and their spouse/partner (assuming both are eligible for parental leave) and can be taken in more than one block.

Extended leave can start any time after the baby's birth (in the case of a baby born to you or your partner) and must end either on the date they turn six months or 12 months (depending on whether you are eligible for 26- or 52-weeks parental leave).

In any other case, (e.g., someone taking permanent primary responsibility for the upbringing of a child under 6 years old), extended leave can start from the first date which you or your spouse/partner become primary carer of a child you are taking permanent responsibility for; and must end on either the six-month anniversary or the 12-month anniversary of the date you or your spouse/partner became primary carer of that child.

Although these leave types are unpaid, in some circumstances you may be eligible for parental leave payments that are administered by IRD. Contact the IRD to confirm your eligibility and register for these payments.

Returning to work

We are committed to supporting kaimahi returning to work from parental leave and will try to accommodate requests that may make this transition easier for you and your whānau. This may include a flexible working arrangement where you return on reduced hours or remote working for part of the week.

Your substantive position will be held open for you to return to at the end of your parental leave period. You are entitled to return to your role earlier than originally planned. To enable us to prepare for your return-to-work, you must give us at least 30 days' notice of your intention to return.

When you contact your manager to confirm your intention to return from parental leave, please also let them know whether there is anything else that you would like us to consider, to support your transition back to work.

Ex-gratia payment

Some employment agreements provide for ex-gratia payments in the case of parental leave. Refer to your employment agreement for more details.

Earning annual leave during parental leave

We are committed to reducing any gender related pay gaps for kaimahi and ensuring they are supported to take parental leave without disadvantage. Because of this, any annual leave that is accrued during parental leave will be paid at the base rate of normal salary of the kaimahi at the time the annual leave is taken, rather than at the much lower rate as provided under legislation.

Special leave

Special leave with or without pay may be appropriate where:

- you have a genuine need for leave, and
- you have exhausted your applicable leave entitlement, and
- granting Special Leave with or without pay presents no operational disadvantages to the Commission.

We will **not** approve special leave with or without pay for the purposes of facilitating employment outside of the Commission unless there is a clear advantage to the Commission in doing so.

All special leave agreements are on a case-by-case basis and provide for a level of management discretion where this is appropriate. Any special leave arrangements must consider your needs, our needs, and the relevant contractual and legislative provisions.

To request special leave, kaimahi must make a request to their manager by completing a *Request for special leave form*.

If your manager supports the request, they must send the request to the Chief Executive for consideration and approval. Your manager or the Human Resources Manager will ensure that any agreement reached is documented and placed on your personnel record.

Where the special leave requested is for an extended period, we will hold regular meetings/discussions with you to review the situation.

Special leave without pay

Where special leave without pay is approved by the Chief Executive, the agreement reached must be documented and include signed advice to you that the:

- leave to be taken will not be on pay (including KiwiSaver contributions)
- period of special leave taken will not be counted towards your service, so will impact on any applicable service-related entitlements such as pay increments, long service leave and any redundancy provisions.

If your leave without pay is for more than one month and up to three months, you must provide notice in writing to your manager of your intention to return from leave. This notice should be provided at least 30 days prior to your intended return.

If you take leave without pay of more than three months, we may not hold a position open for you and placement on your return is conditional on the availability of a position appropriate to your skills and experience. You must give notice in writing to your manager of your intention to return from leave at least one month before your intended return date. If placement cannot be made within that one-month period, your employment with us will cease, effective from the date you started the leave without pay.

Leave without pay interrupts but does not break service. The period of leave without pay will not count towards your service but your service prior to and after the leave period will be considered when calculating any service-related entitlements.

Special leave for rumaki reo

The Commission will support permanent kaimahi, who have been employed with the Commission for a minimum of two years, to take a period of leave without pay of up to 12 months for the purposes of undertaking a full immersion programme to learn, or further their learning, of te reo Māori. The Commission will hold the nominal position open for the kaimahi to return to at the end of the 12-month period.

Guidance may be sought from the Mata Māori team on the appropriateness of a particular programme prior to this leave being approved. If kaimahi are considering a request for rumaki reo leave they should speak with their manager as soon as possible and need to put their request to their manager in writing at least three months before the intended start date of their leave.

At least 30 days before the expected return date from this leave, kaimahi need to provide their manager notice in writing to confirm their intention to return to work at the Commission.

Leave for volunteer work

If you are involved in volunteer work such as Civil Defence, voluntary fire-fighting and Search and Rescue, or kaupapa Māori related volunteer work, you may be granted unpaid leave to participate in those activities.

Notification

You should discuss your request to take unpaid leave for volunteer work with your manager who will consider your request on a case-by-case basis. Your manager will consider Commission's operational requirements and ability to cover your workload in your absence.

If your request is approved, you should follow the Procedure to submit a request for leave in this policy.

Leave for volunteering for Military Service

If you undertake military service or training with the New Zealand Armed Forces (eg the NZ Territorial Army) you can request leave without pay to do this. The Volunteers Employment Protection Act 1973 sets out how the absence is treated in relation to your employment. This includes making sure you give your manager 14 days' notice and confirms the Commission's obligation to keep your job open while you are absent.

You should talk through any plans you have to do military service or training with your manager so they can get any relevant information and assistance to support your request.

Under the legislation there are different scenarios which impact the amount of leave that may be granted, such as undertaking:

- full-time or part-time voluntary training or service
- active operational service, if you are called up or volunteer in a 'Situation of National Interest', war or emergency.

Additional military leave without pay will be allowed if you are selected by the military to undertake peace-keeping duties. The period of leave will be up to a maximum of 12 months, inclusive of any training required.

Jury and witness leave

If you're called for jury service or subpoenaed to attend court as a witness, you'll get paid time off work to attend.

Payments from Court

If you have approval to take annual leave or unpaid leave to attend Court instead of using jury service or witness leave, you may keep the Court payments.

Otherwise, if you get any payments from Court, they must be repaid to the Commission. This doesn't include payment for expenses like travel or meal expenses – you can keep these. The Financial Management Accountant can advise the process to arrange payment to the Commission.

Employment relations education leave

Employment Related Education (ERE) leave is provided to enable union members to participate in specifically approved courses. The courses are approved by the Ministry of Business, Innovation and Employment (MBIE) and displayed on their website.

Kaimahi who are union members may be able to take paid leave for employment relations education, in accordance with the Employment Relations Act 2000.

Notification

The PSA will:

- advise the Human Resources manager how many ERE leave days have been allocated to the Commission
- request the use of this leave for kaimahi who are union members, for specific courses.

Kaimahi who are members of the union and have been asked by the PSA to use ERE leave must discuss this with their manager and follow the Procedure to submit a request for leave in this policy.

Sabbatical leave

Notification

The Chief Executive may grant and approve sabbatical leave up to a maximum of three months. You must follow the Procedure to submit a request for leave in this policy.

Entitlement

Sabbatical leave will only be granted to senior kaimahi who have served a significant period (usually a manager who has served at least five years in the role). However, in some circumstances, a third-tier manager/principal advisor may be granted sabbatical or study leave.

We may grant the sabbatical leave on full pay, on terms agreed by the Chief Executive.

It is intended that sabbatical or study leave is used to develop the interest or expertise of the kaimahi in a particular area or areas relevant to our work.

Study leave

The Commission may support permanent kaimahi to undertake part-time tertiary study that is relevant to their role and beneficial to the Commission by providing paid or unpaid time off work to study or sit exams.

Notification

You must discuss any requests for study leave with your manager, in accordance with the Performance, Development and Learning Policy.

Entitlement

Requests for assistance will be considered on a case-by-case basis in accordance with the *Performance, development and learning policy*.

The Commission will consider requests favourably that:

- recognise kaimahi who have performed well over a sustained period by encouraging them to further develop

- develop and update skills required in the kaimahi current job and provide opportunities for development
- extend the depth and skill of managers and senior staff to develop the Commission's management skill base
- assist kaimahi who have spent several years in a specialist area to broaden their skills and develop wider career opportunities
- may help attract and retain high quality kaimahi to the Commission by signalling the opportunity for further study.

Additional hours and Time off in lieu (TOIL)

Working additional hours is a last resort and managers will look at other ways to have mahi completed before additional hours are agreed to. However, we acknowledge that there may be times where kaimahi need to work additional hours outside of their normal working hours.

A standard working day is a maximum of eight hours each day or in accordance with individual agreements if flexible working arrangements are in place.

We expect that working longer than eight hours in a day occurs only when absolutely required and is not a regular occurrence.

If additional hours are required, you must work no more than 10 hours in each working day. For full-time kaimahi, this means that only two additional hours must be worked in one day, on top of a normal eight-hour working day.

If you are travelling outside of your home location for a work-related event, travel time to your destination is considered part of your working hours. However, this does not include travel time between your home base and the airport. A working day starts when you have arrived at the airport and ends when you arrive back at the airport at the end of the trip.

We are committed to ensuring that:

- additional hours worked by kaimahi are not excessive
- planning and resource sharing occurs, so that individual kaimahi are not being exhausted.

Entitlement

If you work agreed additional hours, you are entitled to an hour of TOIL for each additional hour worked (except where work is undertaken on a public holiday, where hours are recorded in line with the requirements of the Holidays Act 2003).

It is expected that TOIL is taken within 3 months of it being earned. You must take TOIL as soon as possible, before using any annual leave. TOIL cannot be paid out on termination of employment.

If the circumstances for tiaki leave as specified in this policy are met and you take tiaki leave, then you **cannot** also claim TOIL.

Managers and senior specialists (kaimahi in roles covered by salary ranges ono – iwa) are **not** entitled to TOIL, except in exceptional circumstances at the discretion of the Chief Executive.

Notification

You must seek approval from your manager, who will discuss with the Chief Executive before you work additional hours or TOIL is agreed to.

The exception to this is where travel for monitoring visits or engagements mean that kaimahi have to work additional hours. In these cases, the manager of the team travelling has discretion to agree to TOIL or tiaki leave, provided it is taken as soon as possible.

To use TOIL, you must follow the *Procedure to submit a request for leave* in this policy.

Tiaki leave

The intention of tiaki leave is to minimise the impact that travelling for monitoring visits or engagements has on kaimahi and their whānau.

Notification

You must follow the Procedure to submit a request for leave in this policy. The request must include a comment to indicate which visit or engagement the leave relates to.

Entitlement

Kaimahi (including managers and senior specialists) who undertake a monitoring visit or engagement that involves staying away from home for **two nights or more** are entitled to **one and a half days (12 hours)** of tiaki leave.

For visits or engagements that involve staying away from home for **four nights or more**, kaimahi (including managers and senior specialists) are entitled to a further one day (8 hours) of tiaki leave – **two and a half days or 20 hours of tiaki leave** in total.

Where visits or engagements occur on a weekend, kaimahi are entitled to payment for the hours worked **and** one day (8 hours) of tiaki leave for each weekend day worked.

Where tiaki leave applies as above, there will be **no** further entitlement to TOIL or payment for additional hours.

Visits or engagements that do not involve staying away from home overnight for a minimum of two nights do not incur tiaki leave but may incur TOIL if additional hours are worked.

Tiaki leave does not apply where kaimahi are staying away from their home location for the purposes of professional development (attending a wānanga, conference, workshop etc).

The Chief Executive has sole discretion to agree to arrangements above what is provided for through this policy, where they deem appropriate.

Taking tiaki leave

You must take four hours of tiaki leave directly before the visit or engagement to allow you to prepare yourself and your whānau for your time away. You must take the remaining tiaki leave

on the working day/s directly after the end of the visit or engagement, so you can rest and reconnect following your time away.

If you **cannot** take the tiaki leave as described above, you must take the tiaki leave within two weeks of it being earned, at a time that is agreed with your manager.

If tiaki leave is not taken within two weeks of it being earned the entitlement lapses and the leave is no longer available, unless agreed with your manager prior to the entitlement lapsing. Tiaki leave cannot be paid out on termination of employment.

Family violence leave

Entitlement

A kaimahi seeking leave due to family violence is entitled to 10 days paid leave to be used for rest/recovery, medical appointments, legal proceedings, family violence counselling and other related activities.

Further paid leave may be made available at the discretion of the manager on a case-by-case basis. This leave is in addition to existing leave entitlements and may be taken as consecutive or single days or part days.

This leave is accessible for permanent or fixed term kaimahi as soon as they begin in the role, with no minimum period in a job before they may access such leave.

Family violence leave is available to permanent or fixed term kaimahi affected by family violence, regardless of how long ago the family violence occurred, even if the family violence occurred before the person became a kaimahi of the Commission.

A permanent or fixed term kaimahi supporting any person affected by family violence may take up to 10 days paid leave to accompany them to court, to a refuge, to hospital/medical appointments, or to mind children (or related activities, at the discretion of the manager).

Notification

Prior approval from the manager of the kaimahi or from Human Resources should be sought before taking leave (where possible). Human Resources can help with arrangements for approval of leave from the manager. Kaimahi may also choose to bring along a support person of their choosing to meetings with their manager about family violence leave.

All requests for family violence leave will be considered urgently and responded to within 48 hours or sooner, depending on the urgency of the request. If a situation is urgent or dangerous and it is not possible to give notice for a leave request, kaimahi may apply for leave retrospectively (to be agreed with the manager).

Flexible working conditions

A kaimahi who is affected by family violence is entitled to request flexibility in their work conditions to ensure their safety and to deal with the effects of family violence. We will make every effort to accommodate varied working conditions that will help the kaimahi affected by family violence, for the length of time that the variations are needed.

A kaimahi who is affected by family violence, or who has care of a child who has been affected by family violence, is also entitled to request a temporary or permanent change to their working hours or their work location to another office, location, site or city (if possible).

All requests relating to flexible working conditions will be handled with urgency by the manager. The manager will decide the outcome(s) of the request(s).

Cultural leave

The purpose of cultural leave is to enable kaimahi to take part in events or activities which are culturally significant to them. Cultural leave is available for all kaimahi in recognition of the Commission's obligations under article 2 and article 4 of Te Tiriti o Waitangi.

Entitlement

Kaimahi with 12 months or more service with the Commission will be entitled to two paid days of cultural leave each year. This leave type renews annually on 1 July and cannot be accumulated nor paid out on termination of employment.

Note: The Commission will only pay out any unused annual leave as part of the final pay when a kaimahi ends employment with the Commission. All other leave such as tiaki leave, commission days and TOIL will not be paid out as part of final pay when employment ends with the Commission.

Ngā tuhinga pākanga | Related legislation, regulations and documents

Related legislation and regulations

This policy guided by the following legislation and regulations:

- Employment Relations Act 2000
- Holidays Act 2003
- Parental Leave and Employment Protection Act 1987
- Volunteers Employment Protection Act 1973

Related documents

Related documents include:

- Request for Special Leave Form
- Request to Cash Up Annual Leave Form

Kuputaka | Definition of terms

Terms

Term	Definition
Kaimahi	Employee
Tiaki	Care

Abbreviations

Abbreviation	Definition
TOIL	Time Off in Lieu
ACC	Accident Compensation Corporation
IRD	Inland Revenue Department
PSA	Public Service Association

IN-CONFIDENCE