

Information on Special Paid leave from the Department's leave policy

Special leave with or without pay

1. Special leave is discretionary leave that may be granted with or without pay where other types of leave have been taken, are unavailable or not suitable. Approval for special leave with or without pay is determined on a case-by-case basis.
2. Some examples of when special leave with pay may be granted are:
 - to extend a period of bereavement/tangihanga leave
 - to extend a period of sick leave
 - to support an employee through a domestic violence situation
 - to attend meetings of statutory boards, councils or committees
 - to support an employee undertaking study or training courses or attendance at conferences or conventions
 - to attend a sporting or cultural event
 - to participate in emergency/civil defence activities
 - an employee needs time off but either has no annual leave or it is appropriate to grant them special leave (for example to attend to personal business that cannot be arranged outside work time)
3. Special leave with pay is not appropriate for:
 - ongoing sporting, cultural, or community activities
 - membership of cultural groups, sports committees, or voluntary organisations
 - to extend a period of parental leave (e.g. when an employee only has an entitlement to six months parental leave)
 - to travel overseas for an extended period.
4. Requests for special leave are considered balancing the employee's and DIA's needs. Managers will take into consideration cultural requirements. Previously approved special leave does not create a precedent for future requests. Managers may refuse an application for special leave.
5. Wherever possible, managers will discuss the options available before determining which leave is the most appropriate based on the circumstances/reasons for the leave.
6. Special leave is not normally approved if an employee will be working for another employer in New Zealand. To avoid any conflicts of interest, employees must notify their manager if they intend to undertake work for another organisation during a period of special leave.
7. Further information to support making decisions for approving special leave with or without pay can be found in the Guide: Leave.

Commencement of special leave

8. Special leave commences on the first working day after the cessation of duties. However, employees will be paid for a public holiday if they have worked in the fortnight ending on the public holiday.
9. Employees are expected to take all annual leave due before taking special leave without pay.

Impact on terms and conditions and pay

10. As pay stops when special leave without pay starts, employees are responsible for ensuring ongoing arrangements are made for automatic deductions from their pay, e.g. PSA membership fees, Southern Cross Medical payments. Employees do not receive payment for any public or departmental holidays that occur.
11. While on special leave without pay for more than 35 days (including Saturdays and Sundays), annual leave stops accruing and service entitlements to sick leave and long service leave cease.

Returning to work after special leave without pay

12. Unless agreed in writing before commencing special leave, DIA does not guarantee a job when an employee returns from special leave without pay of more than three months. If a job is 'kept open' the employee returns to that job. If a job has not been kept open they may be appointed to a vacant job similar to the one they were in. It is unlikely an employee will be automatically appointed to a different job, however they may be given preferential status. Preferential status is a commitment to an interview for any suitable jobs applied for.
13. If an employee cannot be placed in employment on return they are given one month's notice in writing that their employment is to be terminated.
14. Any terms and conditions relating to special leave and return to work arrangements will be provided in writing before the start of the special leave.

Extension of special leave

15. Any request for an extension of special leave must be applied for at least one month before the expiry of the original period of leave. Approval to extend special leave is at managers' discretion.

Representing DIA

16. Where an employee represents DIA in an official capacity this is treated as official duty, not leave. Any payments received must be paid to DIA.

Information on Special Paid leave from the Department's leave guide

Special leave with or without pay

Personal obligations can affect employees at different times in their working lives. They may be short-term crises or long-term commitments. If employees are supported to manage any impact of their personal lives on their work, disruptions at work will be minimised.

Our approach is to try, wherever possible, to allow employees to meet personal responsibilities. Special leave may be an appropriate option when other forms of leave are not appropriate or leave entitlements are exhausted.

Requests for special leave are decided on a case-by-case basis. Leave that has been approved previously for one employee or set of circumstances does not necessarily create a precedent for another employee or, for that employee in the future.

For periods of special leave without pay greater than one month, annual leave is expected to be taken before special leave without pay commences.

Special leave is not normally approved to undertake other employment. However, it may be considered when there is an opportunity for the employee to develop skills that will mutually benefit the employee and DIA. An employee must advise DIA if they plan to undertake paid work while on special leave.

There may be occasions when a request for special leave is not appropriate, or the need to be consistent and fair to all employees means a manager declines an employee's request. If managers are unsure whether they should approve special leave either with or without pay they should discuss the circumstances with HR by emailing AskHR@dia.govt.nz or call Ext 5311.

If an employee does not attend work when special leave has been declined there may be consequences such as disciplinary action.

Types of special leave

The reasons for approving special leave are varied. Some examples are (note this list is indicative only):

Type of Leave	With Pay	Without Pay
Sick leave	✓	✓
Bereavement/Tangihanga leave	✓	✓
Domestic violence leave	✓	✓
Jury service	✓	✓
Witness leave	✓	✓
Meetings of boards, councils and committees	✓	✓

Type of Leave	With Pay	Without Pay
Investitures	✓	✓
Transfer leave	✓	✓
Sporting events		✓
Cultural events	✓	✓
Time off to vote	✓	
PSA meetings	✓	✓
Personal appointments/emergency situations		✓
Extended holiday/travel		✓
Extending parental leave		✓
Participation in civil defence activities	✓	✓
Attendance at conferences or conventions	✓	✓
Study leave	✓	✓

Effect on terms and conditions of employment

Special leave without pay interrupts but does not break service. Unless agreed in writing prior to the employee going on leave, managers should not guarantee continued employment when someone requests long term special leave without pay of more than three months. Managers should consult with HR prior to making any commitment.

When an employee is on special leave without pay for more than 35 consecutive days (a period of five weeks including weekends) entitlements to annual leave, sick leave and long service leave stop accruing from the time special leave commences. The period of 35 consecutive days applies to part-time employees in the same way as full-time employees.

Employees on special leave without pay do not receive payment for public or departmental holidays during the leave period.

Employees should be notified in writing, prior to going on special leave, of the terms and conditions relating to the leave and possible return to work arrangements.

An employee who cannot be placed in employment on return from special leave will be given one month's notice in writing that the employment relationship is to be terminated.

While on special leave without pay, it is the responsibility of the employee to make arrangements covering any automatic deductions from their pay.

Employee's responsibilities

Employees should:

- apply for special leave as far in advance as is practical to enable proper consideration of the request providing all relevant information to their manager

- apply for a fixed period of special leave wherever possible as extending a period of leave may not be possible and frequent absences on special leave disrupts the work of the team
- remain in contact throughout the period of leave as appropriate
- notify their manager if the circumstances applying to the original request for special leave changes
- return to work on the agreed date
- attend work when a request for special leave has been declined, unless another type of leave has been approved.

Manager responsibilities

Managers should:

- consider each application on its merits and circumstances with any decision taking into account the individual circumstances of the employee
- make and communicate the decision, including the reasons for the decision, as quickly as possible
- where appropriate discuss the options available with the employee before making any decision on the most appropriate leave
- propose and implement keeping in touch plans to ensure that the employee remains connected wherever possible and appropriate
- where appropriate initiate a discussion and raise the option of special leave if you become aware of circumstances where special leave would be appropriate.

Where special leave has been agreed the manager will write to the employee advising them of the terms and conditions relating to the special leave.

Considerations when determining special leave

When considering whether special leave with or without pay should be approved and the amount of leave to provide, it is appropriate to understand the circumstances and how they affect that person, and treat people and their situation individually.

When considering the appropriate leave to grant, managers should consider:

- the nature, length and reason for the request
- the operational needs of DIA, in particular their business group, as well as the impact on other team members and how these will be managed, including other people who may be on leave
- what precedents might be set in agreeing to the request
- if the employee has taken any other period of special leave and the circumstances of that special leave - frequent absences on special leave disrupt the work of the team
- if there other leave options available which are more appropriate
- the employee's length of service with DIA

- the employee's history of achievement of objectives, their wider contribution to DIA, and other relevant factors
- any cultural requirements for that employee
- whether the special leave requested will benefit DIA
- whether a job can realistically be held open for the period of leave requested and the availability of a suitable replacement
- whether the possibility of change processes in the foreseeable future may require a review of the job
- whether a change to the start date of the special leave could provide a compromise that works for the employee and DIA.

Any requests for an extension of special leave should be considered in the same manner as the original request.

Examples of special leave

Cultural Events

Special leave without pay may be appropriate when an employee needs or wishes to attend a cultural event/hui because of their position in the community.

If the employee is representing DIA special leave with pay may be approved.

Jury Service

An employee is usually granted special leave with pay for jury service.

The Juries Act 1981 provides that anyone registered as an elector for a general election can be called up for jury service at any time. Managers should allow employees to report for jury service. However, if there are operational difficulties a request may be made to release the employee from attending.

When an employee receives a jury service summons they should discuss the timing with their manager, providing as much notice as possible, so that arrangements can be made for their work to be covered while they are away.

When an employee is on jury service they are paid a nominal fee and expenses for their service. An employee on special leave with pay is required to pay the jurors' fees to DIA.

Expenses may be retained by the employee. If the daily fee is outside an employee's standard daily rate (for example, in recognition of evening work) the employee may keep the extra payment.

If an employee chooses to take annual leave or leave without pay instead of special leave on pay, they may keep the jurors' fees.

While on jury service employees should stay in contact with their manager letting them know how long they anticipate they are likely to be required for. Whenever possible, employees should return to work when excused from jury service during normal working hours.

When an employee receives a statement of payment and cheque from the courts, they bank the cheque, deduct the expenses and pay DIA the fees, sending a copy of the 'statement of payment' with their payment to the payroll team.

PSA meetings

PSA members are entitled to attend two paid two-hour meetings during work time per year.

PSA meetings are agreed in advance with management, with the PSA giving reasonable notice. The department cannot unreasonably withhold agreement for these meetings.

Personal appointments / emergency situations

Personal appointments should, wherever possible, be arranged outside working hours or be accommodated by flexible working. However, there may be circumstances where urgent private business occurs without notice that the employee needs to take time off work. In these situations the manager may, in the absence of other leave being available, approve special leave without pay. Some examples are:

- when an employee needs to settle personal matters and find it is not possible to undertake appointments outside work hours
- in genuine household or domestic emergency circumstances such as storm/flood damage
- in genuine emergency circumstances that prohibits an employee from attending work (e.g. transport failures, inclement weather)
- a breakdown in long term care arrangements for a relative, child or dependant or because of other domestic circumstances
- to attend divorce, separation, custody or adoption proceedings before a court of law.

Extended holiday/travel

Where an employee requests special leave for an extended holiday/overseas travel special leave without pay may be granted.

It is not normally appropriate to approve special leave where the main purpose of the travel is for the employee to seek alternative employment.

An employee must notify their manager if they undertake paid work for another organisation during a period of special leave in order to avoid any conflicts of interest.

Extended parental leave

Where an employee is only entitled to six months parental leave, under the Parental Leave Policy, a manager may agree to a period of special leave without pay. Where special leave is approved, entitlements under the parental leave policy cease to apply at the end of the parental leave period.

Employees should be made aware that taking special leave will make them ineligible for the ex-gratia parental leave payment.

Sporting Events

Special leave may be approved to participate in international sporting events, either overseas or within New Zealand, as a competitor or an accredited official.

In deciding whether special leave with pay is appropriate managers should take into consideration:

- whether selection has been made on a national basis or as a representative of a particular province or group
- the level of the competition and whether the competition is local or international
- will the leave be disruptive or inconvenient to the team or DIA
- will the employee receive any payment by the sporting organisation above a daily incidentals allowance.

Participation in civil defence activities

Special leave with pay may be approved for civil defence or emergency fire-fighting duties, or to participate in search and rescue exercises and operations.

The Civil Defence Emergency Management Act 2002 provides that where an employee is required to undertake civil defence duties during a state of emergency (e.g. flood, fire or earthquake), which causes them to be absent from work, they cannot be dismissed.

Special leave may be granted with pay in the following circumstances:

- training and exercises: leave as required when training and exercises for civil defence and search and rescue are conducted by a recognised authorities
- committed employees in an emergency: leave as requested, up to 10 days (reviewable) in the case of a civil defence emergency
- volunteer employees in an emergency: where employees volunteer during a civil defence or search and rescue emergency, up to 3 days leave may be granted.

Employees should seek approval in advance whenever possible or advise their manager at the first opportunity when prior approval cannot be sought and return to work as soon as is reasonably possible.

Employees who are members of a volunteer ambulance, fire-fighting, or another recognised civil defence service may be granted special leave without pay to attend training courses arranged by these organisations.

Meetings of Boards, Councils and Committees

Special leave with pay may be granted to attend meetings of boards, councils and committees to which an employee has been appointed by a Minister, but they are not a DIA representative. The timing of leave is subject to agreement.

Participation in any other capacity (i.e. not as a ministerial or DIA representative) is at an employee's initiative and must be taken as annual leave or special leave without pay. Any payment received belongs to the employee.

Investitures

Special leave with pay may be granted for employees to attend an investiture as the recipient of an honour, or when accompanying their partner to such an occasion. DIA may meet the travel and accommodation costs involved if they are the recipient.

Time Off To Vote

On the day of an election where an employee has not had a reasonable opportunity to vote prior to starting work, section 162 of the Electoral Act 1993 requires an employer to allow the employee to leave work no later than 3:00 pm so that they can vote.

If an employee is not required for essential work or services, employees do not have to return to work and there will be no reduction in pay because of the early departure. If an employee is required after 3:00 pm for the purpose of carrying out essential work or services they must be allowed to leave work for a reasonable time to vote but the employee must return to work.

Transfer leave

Approval of special leave may be given for an employee who is on transfer at DIA's expense, both to visit their family in the former location prior to their moving and to assist with the transfer.

Witness leave

If an employee is called as a witness in a private capacity for a criminal or traffic case, special leave with pay may be approved. The employee should recover fees and expenses from the party calling them as witness and repay these fees to DIA.

If an employee is called as a witness for cases other than a criminal or traffic case, annual leave or special leave without pay may be approved. The employee may retain any fees or expenses received.

When special leave is not appropriate

There are times when a request for special leave is not appropriate. In these circumstances employees are expected to attend work or may request annual leave or 'make-up' the time.

Special leave is typically not approved in the following circumstances:

- being stranded due to mechanical problems with transport e.g. train, ferry, plane, car
- getting married or the reaffirmation of marriage vows
- for planned arrangements such as moving house
- attendance at drug/alcohol rehabilitation programmes
- childcare for a friend or family members child when they are ill or out of town
- taking relatives or friends to the airport
- presenting at or attending courses that are not job related

- caring for or taking family pets to the vet or other appointments.

Returning from long term special leave

Where it has been agreed an employee's job will be kept 'open' (being filled temporarily through fixed-term placement or secondment), the employee should return to that job when they return from special leave.

If their job has not remained 'open', the employee may be appointed to a vacant job similar to the one that they were in at the time of going on special leave.

Employees returning from special leave should not be automatically appointed to other jobs. However, they can be given 'preferential status'. Preferential status provides an employee with a commitment to an interview for any suitable jobs they apply for.

Keeping in touch while on long term special leave

When an employee is taking an extended period of special leave, they should discuss with their manager how they would like to keep in touch with what is happening at DIA.

This could include:

- regular phone calls from the manager
- invitations to social events or invitations to team meetings
- copies of information distributed to the team.

Agreement may be reached that a nominated contact, other than the manager, will be responsible for maintaining contact with the employee.

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