



# Leave Management Policy

## Purpose

The purpose of this policy is to provide both direction and guidance on the management of leave, to ensure that both employees and their managers manage leave effectively. This is necessary to ensure that Unitec meets both its good employer obligations and operates in a fiscally responsible manner.

It is not intended in this policy to deal with leave matters already covered in employment agreements or the Holidays Act 2003 and its amendments. In addition, and to avoid doubt, nothing in the policy and these procedures limits any rights and obligations under legislation.

## Scope

This is a Unitec-wide policy and, except as otherwise provided in their employment agreement, applies to all employees.

This policy does not apply to independent contractors engaged on a contract for service, or the employees of contractors.

## Policy Statement(s)

### 1. Annual Leave

#### a) Annual Leave Entitlements

The annual leave entitlement of all employees is that which is specified in the employee's employment agreement.

#### b) Leave Plan

Those employees that have leave plans must ensure their plan is finalised and approved by their Manager by 31 March of each year. The Individual Leave Planner is available on The Nest.

#### c) Timing of Annual Leave

All employees are encouraged to take annual leave during the twelve-month period that it accrues. The timing of annual leave is to be agreed between the employee and Unitec, through the employee's manager, and Unitec will not unreasonably withhold consent to annual leave being taken. Unitec reserves the right to decline annual leave requests where this cannot be reasonably accommodated. As a general rule, annual leave cannot reasonably be accommodated or taken by academic employees with teaching obligations during term/teaching time or by any employee when they are serving a period of notice of termination of their employment.

d) When Unitec May Require Annual Leave to be Taken

Where Unitec and an employee are unable to agree when annual leave is to be taken, such as when an employee has excessive annual leave, Unitec shall have the right to determine (on giving 14 days' notice to the employee) the time when the employee shall take all or any part of their annual leave. Before doing this, Unitec will first attempt to reach agreement with the employee about when leave should be taken.

As a general rule, excessive workload will not be accepted as a reason for employees not to take leave.

e) Applications for Annual Leave

When applying for leave, employees should take into account the operational requirements of Unitec, their work requirements and the needs of the students at the time of the proposed leave. No travel arrangements should be confirmed until the required approval has been obtained. Unitec will not be responsible in any way whatsoever for costs associated with cancelled or altered travel arrangements where travel arrangements are entered into without prior approval to take leave being given. Employees should apply for annual leave as early as possible.

f) Suspension of Operations over Christmas

Unitec suspends its normal operations over the Christmas period each year. This period of suspension has recently been from a date in the last week prior to 25 December until a full working week after New Year's Day. Actual dates of the closedown will depend on the year in question and will be notified to employees via the Nest each year.

All employees are required to take annual leave during this closedown period on the days in question that are not either public holidays or days that would not otherwise have been worked by the employee (e.g. weekends, regular days off for proportional employees), and annual leave balances will be debited accordingly. Employees are required to submit leave applications via self-service for this closedown period.

Employees should ensure they have sufficient annual leave accrued to cover the closedown period when planning their holidays during the year. There may be some occasions/circumstances where employees do not have sufficient annual leave to cover the close down period. In these cases, employees may be permitted to take annual leave in advance of accrual, at Unitec's discretion. If annual leave is not permitted to be taken in advance, employees may be required to take unpaid leave over the closedown period. This closedown period does not apply to safety and security employees who are rostered to work over this period. Nor does it apply to those employees who on account of genuine work commitments or owing to the need for a 'skeleton' staff contingent, have obtained special approval to work over the closedown period. Approval to be working over this closedown period must be obtained in advance from the relevant Executive and be recorded in writing.

g) Annual leave in Advance

An employee may apply to take up to five days' annual leave in advance of their entitlement (their accrued leave). Unitec may grant such application, or otherwise, at its discretion. Any application to take leave in advance must be approved in writing by the relevant Executive prior to leave being taken.

Before approval may be given to take leave in advance of accrual, the employee shall be required to provide written authority for Unitec to deduct from their final pay any amount of holiday pay paid in advance. Where the amount of the holiday paid in advance is greater than the monies due to the employee on termination of employment, the employee shall provide an acknowledgement of debt and a written undertaking to pay to Unitec the balance of monies due immediately on termination of their employment.

h) Cashing Up of Annual Leave

Unitec prefers that all leave entitlements be taken as leave. Notwithstanding this, all employees may request to cash up some leave subject to the following conditions: All employees may request up to one working week of their entitled annual holidays entitlement to be cashed up each 'entitlement' year, rather than taking that week as a holiday. An entitlement year is the period of 12 months' continuous employment beginning on the anniversary of the employees' employment. The request must be made in writing. Unitec retains the right to decline any request after due consideration, and will provide its response to the employee in writing.

As per the Holidays Act 2003, employees may cash up any alternative holiday if the alternative holiday is not taken within 12 months of it accruing (i.e. the entitlement to the alternative holiday must be at least 12 months old before it will be considered for cashing up).

If Unitec accepts an employee's request to cash up annual leave, the employee will be paid as soon as is practicable at the employee's annual holiday pay rate as set out in the Holidays Act 2003.

a) Sickness, Injury or Bereavement Prior to or During Annual Leave

- i. Where sickness or injury is suffered during the period of annual leave, the employee can apply to their Manager to take the relevant portion of the period as sick leave. The Manager will decide, in the individual circumstances and at the Manager's discretion, whether to grant such an application and will notify the employee of that decision.
- ii. Where a bereavement is suffered during the period of annual leave, the employee is entitled to take the relevant portion of the period as bereavement leave.

b) Annual Leave Where Sick Leave or Bereavement Leave Exhausted

If an employee has exhausted their sick or bereavement leave entitlements, the employee may apply to their Manager to take the period required or requested as annual

leave. The Manager, at his or her discretion, will decide whether, in the individual circumstances, to grant such an application and will notify the employee of that decision. It is important that the manager ensures the person will still retain enough annual leave for rest and recuperation holiday purposes.

c) Primacy of Annual Leave

To minimise the financial impact of leave liability at the end of Unitec's financial year (31 December), employees should, wherever practicable, and subject to any express statement to the contrary in this policy, take their annual leave before any other planned leave entitlement. In any event, the order in which annual leave is deemed to be taken is statutory annual leave first and then additional annual (i.e. the 5th week).

## 2. Public Holidays

- a) The recognised public holidays are as follows: New Year's Day, the day after New Year's Day, Auckland Anniversary Day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, Birthday of Reigning Sovereign, Labour Day, Christmas Day and Boxing Day.
- b) Other leave days provided by the relevant employment agreement (e.g. Easter Tuesday) are not regarded as public holidays for the purposes of this policy and the following provisions of this clause of the policy do not apply to those days.
- c) An employee receives the benefit of public holidays if the public holiday falls on a day that would otherwise be a normal working day for the employee, they are required to work or if their employment agreement so provides.
- d) An employee who works on a public holiday is entitled to be paid at the rate of time and a half (or otherwise at the rate provided in their employment agreement, whichever is the greater) of their relevant daily pay for the hours worked and, where the public holiday falls on a day that would otherwise be a normal working day for the employee, an alternative day's holiday.
- e) An employee should not work on a public holiday unless prior written approval has been obtained from their Manager, and it is an otherwise working day for the employee or the employee's employment agreement may require them to work on a public holiday and Unitec has given prior written notice of the requirement to work.
- f) Alternative holidays must be taken in accordance with the provisions of the Holidays Act 2003 or the relevant employment agreement. Unless impracticable to do so, alternative holidays must be taken before the employee takes annual leave.

## 3. Sick Leave

- a) Employees are entitled to the number of day's sick leave as specified in their employment agreement where they or their spouse or partner or dependent is or falls ill or is injured.
- b) Proof of sickness or injury is required by Unitec for any sick leave in excess of 3 or more consecutive calendar days, whether or not the days would otherwise be working days for the employee.

- c) Unitec may require proof of sickness or injury for any sick leave of 3 or less consecutive calendar days if (i) Unitec informs the employee as soon as possible and (ii) agrees to meet the employee's reasonable expenses in obtaining the proof.
- d) Accumulated unused sick leave will not be paid out to the employee on termination of employment.
- e) It is the employee's responsibility to submit sick leave applications, however where the employee is unable to access Unitec's Self Service leave module, their Manager may enter the appropriate leave application on their behalf via the Self Service module.

#### **4. Bereavement/Tangihanga Leave**

- a) An employee is entitled to a minimum of 3 days leave as specified in the Holidays Act 2003 in the event of the death of a close family member (the employees' spouse or partner, child, brother, sister, parent, grandchild, grandparent, spouse's or partner's parent) and otherwise as may be set out in their employment agreement. A minimum of 1 day of bereavement leave may also be approved in the event of the death of any other person if, having regard to the relevant factors set out in the Holidays Act 2003, Unitec accepts that the employee has suffered a bereavement as a result of the death.
- b) In determining the number of days to be granted, Unitec will consider the circumstances specific to the situation, such as, the closeness of the relationship between the employee and the deceased, any cultural sensitivities, whether the employee has to take significant responsibility for any or all of the arrangements to do with the ceremonies resulting from the death, the amount of time needed to discharge properly any responsibilities or obligations and reasonable travelling time (if applicable).
- c) If a bereavement occurs while an employee is absent on paid leave, the leave may be interrupted and bereavement leave granted. However, this provision will not apply if the employee is on leave without pay.

#### **5. Professional Development Time**

- a) Employees entitled to professional development time under their employment agreement shall take such time in accordance with their employment agreement. Professional development time is only to be taken for the specific purposes set out in the employment agreement relating to the employees' development activities, and will be planned and agreed with the Manager in advance.
- b) Details around professional development leave will be noted in the ADEP plan and agreed in advance.
- c) Unless otherwise agreed in writing by the employee's Manager, professional development time not taken in the year of entitlement will be forfeited.
- d) Except with the Manager's written approval, professional development time must not be taken while an employee is working out a period of notice prior to termination of their employment. If such time has been approved prior to notice being given, approval for such time may (but not necessarily) be revoked by Unitec at any time prior to the date of termination of employment.

## 6. Jury Service

- a) An employee who has been summoned to perform jury service must notify their Manager as soon as practicable prior to the commencement of a jury service period.
- b) In exceptional circumstances, where the employee's Manager considers that the employee holds a position essential to the needs of students or other operational requirements of Unitec, the employee's Manager may support a staff member's application to the Court to release the staff member from jury service.
- c) As a responsible public institution, Unitec encourages all employees' to carry out their civic duties, including jury service. In deciding whether to support an application to be released from jury service, all Managers must ensure that they do so only where the need for the services of the employee over the period in question is pressing and that alternative arrangements, that might enable the release of the employee concerned, genuinely cannot be made in the circumstances.
- d) An employee who is excused from jury service during their normal working hours must report immediately for work and continue to work until again required for jury service.
- e) An employee on jury service shall continue to be paid in accordance with their employment agreement during the period of jury service. Upon receipt of jury fees and travel expenses from the Court, the employee is required to reimburse the fee portion to Unitec.

## 7. Leave for Service in the Armed Forces

- a) An employee who performs or undergoes Protected Voluntary Service or Training (e.g. voluntary service or training in the Armed Forces), voluntary emergency management activities (e.g. wartime or Civil Defence services) or Service in the National Interest, (e.g. for members of the Defence Reserve/Territorial Forces) as those terms are defined in the Volunteers Employment Protection Act 1973 is entitled to leave of absence, as provided under the Volunteers Employment Protection Act 1973.
- b) A staff member who wishes or is required to take leave as above must notify their Manager as soon as practicable prior to the commencement of the intended period of absence, and not less than 14 days before undertaking the service or training.

## 8. Paid Leave in Excess of Entitlements

- a) In the interests of organisational consistency, no paid leave of any kind whatsoever in excess of entitlements may be taken by any employee unless prior written approval has been obtained from the Executive Director, People and Safety.
- b) Special leave may be granted for extenuating circumstances, on a case by case basis, and in all instances must be approved in writing by the Executive Director, People and Safety.

## 9. Leave Without Pay

- a) As a general rule, Unitec does not encourage employees to take leave without pay. It is acknowledged however, that in some situations, it may be beneficial for the staff member and/or Unitec for leave to be taken on this basis, and accordingly, Unitec may grant unpaid leave. No

leave without pay in excess of 3 months may be taken by any employee unless prior written approval has been obtained from the Executive Director, People and Infrastructure.

- b) Without limiting the ability of Unitec to grant leave without pay entirely at its discretion, the purposes for which such leave may be granted may include development activities beneficial to the employee and Unitec or where the employee is in special need of additional refreshment or rest before continuing with their duties. When considering a request for leave without pay, Unitec will take into account the ease with which the employee concerned can be temporarily replaced satisfactorily for the proposed period of the leave.
- c) Leave without pay will not be granted unless all other relevant leave owing has been taken by the employee.
- d) Employees will not accrue annual and sick leave entitlement for instances of leave without pay of more than one week. Where Unitec approves an application for leave without pay for a period of more than one week, the employee's paid sick and annual leave eligibility dates will be extended by the length of the unpaid leave taken.
- e) Where Unitec approves an application for leave without pay, this may be done on whatever conditions Unitec sees fit. Employees on such leave will not be entitled to carry out work for another employer, institute or organisation whatsoever, unless specifically approved in writing by the relevant Executive.

## 10. Unplanned Leave

- a) An employee intending to take unplanned leave (e.g. sick or bereavement leave), must agree with their Manager as early as possible before the employee is due to start work on the day that is intended to be taken as sick or bereavement leave, or if that is not practicable, as soon as possible after that time. Wherever possible, the employee must make every effort to speak with the Manager personally. If text messaging or other communication methods are used in these circumstances, this should be recorded in writing by the Manager.
- b) Where time permits, an application to take bereavement leave should be made to the employee's Manager before starting the leave.

---

## Associated Procedures

### 1. Leave Plans

- a) All employees with leave plans must submit and have their leave plans approved by their Manager by 31 March of each year. This leave plan should indicate when the employee will be taking the bulk of their leave throughout the leave year. This should include annual leave, professional development leave and any discretionary leave.
- b) The Manager will ensure the employee is given 14 days' notice if the employee will be required to take any annual leave.

## 2. Leave Requests

- a) All leave requests are to be requested and approved via Unitec's Self Service Module on PeopleSoft.
- b) Except where the leave is unplanned and it is impracticable in the circumstances (e.g. unanticipated sickness), an employee must submit to their Manager for approval the prescribed leave request before taking leave.
- c) Where the leave is unplanned, and it is impracticable in the circumstances to submit a leave request for approval before taking leave, the employee shall, as soon as possible after their return to work, ensure that the leave request is approved by their Manager.
- d) Managers are to ensure that, the leave request and approval process is completed in a timely manner.
- e) Managers can enter and approve leave on behalf of employees if the employee is unable to submit their leave request.

## 3. Leave Reports

- a) Managers should access the leave reports available to them via manager self-service on PeopleSoft on a regular basis in order to manage the leave of their direct reports.

---

## Responsibilities

| Role     | Responsibilities   |
|----------|--|
| Manager  | <ul style="list-style-type: none"><li>• Is responsible to actively manage the leave of their employees. If a Manager is or becomes aware of potential irregularities relating to the leave of an employee within their area of responsibility, they must follow this up with the employee concerned and with Payroll to ensure that the irregularity is checked and, if necessary, corrected.</li><li>• Where a Manager wishes to clarify any leave issues concerning their employees, they should contact Human Resources for guidance.</li></ul>   |
| Employee | <ul style="list-style-type: none"><li>• All employees have a responsibility to ensure that their leave is taken genuinely and appropriately. Employees must ensure that they have obtained the required approval to take leave in accordance with this Policy, and that Unitec has properly recorded any leave taken by them.</li><li>• If an employee is or becomes aware of any irregularity in the recording of the leave they have taken or for which they have applied, they must immediately bring the irregularity to the attention of their Manager.</li><li>• If an employee is in any doubt about their own leave entitlements, the proper applicable procedures or any other issues associated with leave or leave management, the employee concerned should contact their Manager in the first instance.</li></ul> |



|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>Wilful or negligent failure by an employee to ensure that leave taken by him/her is properly recorded is likely to be treated as a breach of the principles of honesty and integrity and may result in disciplinary action</li> </ul> |
|--|--|

## Definitions

| Term                          | Means   |
|-------------------------------|---|
| Self Service                  | Refers to the application and approval for leave via PeopleSoft                             |
| Professional Development Time | Contractual time specifically allocated for professional development activity               |
| Accrued Annual Leave          | Annual leave that is credited on an on-going basis throughout the staff member's leave year |
| Annual Leave in advance       | Annual leave that is taken in advance of accrual  |
| Alternative Holiday           | Substituted public holiday as agreed with Unitec  |
| Excessive Annual Leave        | Annual leave balances in excess of annual holiday entitlements under the Holidays Act 2003  |

## Reference Documents

- A. Leave Management Q & As
- B. Unitec Individual Leave Planner

## Approval Details

|  |  |  |                 |
|--|--|--|-----------------|
| <b>Version number (this version:</b>                     | Version 4  | <b>Issue Date (this version):</b>  | February 2021   |
| <b>Version History (Amendments made to this version)</b> | Date of amendment/s: <ul style="list-style-type: none"> <li>Previous amendments weren't stated in the file</li> <li>May 2017</li> <li>February 2021</li> </ul> | Amendment/s: <ul style="list-style-type: none"> <li>Reformatted for placement on the Unitec Staff Portal</li> <li>To reflect changes to the organisational structure</li> <li>Sick certificate required after 3 days of consecutive absence to bring in line with legislation (previously was 5 days)</li> <li>Minor updates by HR to reflect best and current practice</li> </ul> |                 |
| <b>Consultation Scope:</b>                               | All Unitec staff   |  |                 |
| <b>Approval authority:</b>                               | Executive Leadership Team  | <b>Date of Approval</b>  | February 2021   |
| <b>Policy Sponsor</b>                                    | DCE People and Culture   | <b>Policy Owner:</b>   | Human Resources |

|  |                     |                     |               |
|--|---------------------|---------------------|---------------|
| (May have authority to approve minor amendments) |                     |                     |               |
| Contact Person                                   | HR Business Partner | Date of Next Review | February 2023 |