

## LEAVE POLICY

<b>Section</b>	People & Culture
<b>Contact</b>	People & Culture
<b>Last Review</b>	December 2018
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<b>Approval</b>	SLT 18/12/152

### Purpose:

To provide a framework for the granting and administration of various types of leave, and to manage absences in accordance with employment agreement entitlements, legislative requirements and operational needs. This policy must be read in conjunction with the Massey University Guidelines on Research, Teaching, Study and Professional and Organisational Periods/Duties Overseas and in New Zealand and an employee's relevant leave provisions provided in their individual or collective employment agreement. This policy provides clarification on seven types of leave available to Massey University, staff namely:

- a) Leave Without Pay
- b) Requests for the Pay Out of Annual Holidays
- c) Leave for Sport
- d) Election to Parliament
- e) Employment Relations Education Leave
- f) Health and Safety Leave
- g) Volunteering Leave

Information about other types of leave can be found at the end of this policy under the section titled 'Other Leave'.

### Principles:

Leave is an important aspect of an employee's working conditions, reflecting the value of having a balance between work and other aspects of their lives. The ability to take time from work for rest and recreation, when an employee is sick or injured or when they are required to attend to responsibilities outside of the University, is important to ensuring employee wellbeing and enabling employees to be at their productive best while at work.

Leave of any kind other than for illness/injury or bereavement/Tangihanga, must be planned for by both the employee and their manager and taken at a time that balances the employees' needs with the operational needs of the University. Leave must be formally approved by the relevant manager before leave commences.

The following types of leave can be applied for and approved online through the MyHR system on the Massey University website:

- Annual Leave
- Sick Leave
- Bereavement Leave
- Discretionary Paid Leave
  - ACC Non Work/Work Related Injury
  - Discretionary Leave
  - Domestic Violence Leave
  - Employment Relations Education leave
  - Jury Service Leave
  - Maori Land Court/Waitangi Tribunal
  - Volunteering Leave

Massey University has a number of different employment agreements in place. When reading this policy, it is important that employees consult the relevant part of their employment agreement. Where there is a discrepancy between these policies and the provisions of the employment agreement, the employment agreement will take precedence.

## **Policy:**

Leave will be granted in accordance with the Employment Agreements and as stated below:

### **a) Leave Without Pay**

Requests for leave without pay, other than for illness or injury, will be considered taking particular account of the operational needs of the school or Department.

In accordance with the Human Resources Delegations of Authority, periods of leave without pay can be approved by managers with authority Bands A, B, C or D. Noting: Band D can only approve periods of leave without pay of up to one month.

All annual leave must be exhausted before the period of leave without pay commences except in situations requiring extended sick leave or bereavement leave as per section 39 of the Holidays Act 2003.

### **b) Requests for the Pay Out of Annual Holidays**

The Holidays Act 2003 provides for employees to be able to request that a portion of their annual holidays be paid as cash. However, Massey University supports and encourages its employees to have the full opportunity for rest and recreation, through the taking of annual holidays and for this reason will not pay out annual holidays.

### **c) Leave for Sport**

Applications for leave to take part in international competition overseas or in New Zealand will be approved by the relevant Pro Vice-Chancellor (or equivalent). The authority to approve leave for sport cannot be delegated. The following conditions apply.

- Applicants are to be members or accredited officials of sports teams, or individual sportsmen or sportswomen who have been selected on a national basis.  
**Note:** Delegates to any conference would not be eligible.
- Selection to be on a national basis (e.g. not provincial or representative or any particular group – racial, sectarian, etc.).
- Competitions at international level to take place at some time during the tour.
- The sport should have a properly constituted and recognised national body, which conducts regular tournaments.

If the above requirements are met, leave may be granted as follows:

- First five working days on paid annual leave (where entitled) or leave without pay followed by,
- Up to four weeks special leave on ordinary pay ~~in a combination of full or half pay,~~
- Thereafter leave without pay (or annual leave if available).

### **d) Election to Parliament**

Any member of the staff of the University, who desires to become a candidate for election as a Member of Parliament, shall be placed on leave of absence.

Subject to Clause 3 of the Electoral Act 1993, that leave of absence shall commence on nomination day (as defined in the Electoral Act 1993), and, in the event of nomination as a constituency candidate or list candidate, shall continue until the first working day after polling day, unless the nomination is withdrawn.

Where the Vice-Chancellor is satisfied that the staff member's candidacy will materially affect the ability of that person to:

- carry out satisfactorily their duties as a University employee; or
- be seen as independent in relation to particular duties,

then the period of leave shall, if the Vice-Chancellor so determines after consultation with the employee, commence before nomination day or a day appointed by the Vice-Chancellor.

During the period of leave the staff member shall not be required or permitted to carry out any University duties unless the Vice-Chancellor deems these essential to the running of the University or unless it is teaching or supervising students who are preparing for examinations or marking examinations of those students. No other duties shall be carried out without the approval of the Vice-Chancellor.

During the period of leave there shall be no entitlement to salary or other remuneration from the University in respect of that period or any part thereof, except to the extent to which the employee takes, during that period, any leave with pay to which she/he is entitled, or carries out specific duties which may be required.

Except as provided in the foregoing provisions of this section, rights as a member of the staff of the University shall not be affected by her/his candidature.

Massey University is not to be involved in any way in the candidate's campaign. The candidate is to make it clear that she/he is not speaking on behalf of Massey University and that the views expressed are not the views of the University.

Employment with the University will cease should the candidate be elected to Parliament. The effective date shall be no later than the date of receiving confirmation of election as a Member of Parliament or the date of commencement for receiving a parliamentary salary, whichever is earlier.

#### **e) Employment Relations Education Leave**

Employees who are union members are entitled to paid leave to attend approved courses for the purposes of employment relations education.

The Union will advise the employee and the University of the education leave allocated to the employee. An eligible employee must apply to their manager for leave giving at least 14 days' notice and specifying the nature of the leave.

#### **f) Health and Safety Leave**

This policy applies to all staff appointed as Health and Safety Representatives.

Health and Safety representatives are entitled to two paid days per year to attend approved Health and Safety training courses.

The staff member is required to seek approval from their manager before commencing leave.

#### **g) Volunteering Leave**

To actively promote, encourage and recognise the importance of volunteering in the community and by encouraging and enabling staff to participate in local volunteering activities, permanent and fixed-term employees can receive up to 3 paid leave days per calendar year (at the employee's contracted work hours for the days and at ordinary pay) in which to undertake volunteer activities that deliver tangible benefits in the local community and supports an employee's personal and professional development.

Volunteering leave shall not accumulate from year to year, and may be taken as a block or spread across the year, as long as it is approved in advance by the line manager, does not interfere with work commitments, does not bring the University into disrepute, and does not involve any conflict of interest with the University. The time given and the choice of organisation will be agreed with the employee's manager, with any potential conflict of interest being discussed. The manager may consult with their HR Advisor if in doubt.

The employee volunteer will adhere to the recipient's organisation's volunteering policies and procedures and to that organisation's health and safety policies and procedures. Any accident or injury incurred by the volunteer in traveling to and from or during any volunteer activity initiated by the employee, shall not be regarded as a Massey work-related accident or injury. If the volunteering activity is initiated by a University manager this shall be regarded as work-related activity and all usual University policies and rules will continue to apply, including coverage of any accident or injury arising from the activity.

Where the volunteering activity is undertaken as a private individual and not as a representative of or on behalf of Massey University, the University will not be responsible for out-of-pocket expenses, training, special equipment etc incurred by the employee while undertaking activities associated with the volunteering activity.

Volunteering leave will not apply to following voluntary work activities (which are excluded from the Health and Safety At Work Act 2015):

- (i) participating in a fund-raising activity:
- (ii) assisting with sports or recreation for an educational institute, sports club, or recreation club:
- (iii) assisting with activities for an educational institute outside the premises of the educational institution:
- (iv) providing care for another person in the volunteer's home.

### **Other leave:**

As well as this policy, there are a number of other sources of information in which staff can access regarding leave. These include:

1. Employment Agreement: This document outlines a staff members contractual leave entitlements eg Domestic Violence Leave
2. The People and Culture (P&C) Website which has information on:
  - Annual Leave
  - Sick Leave,
  - University Holidays
  - Public Holidays
  - Jury Service Leave
  - Research Leave
  - Volunteering Leave
  - Parental Leave
  - Long Service Leave
  - Discretionary Leave
  - Bereavement/Tangihanga Leave
  - Leave Without Pay
  - University Duties Leave
3. Guidelines on Research, Teaching, Study and Professional and Organisational Periods/Duties Overseas and in New Zealand:
  - Short Leave
  - Long Leave
  - Research Leave (in New Zealand)
  - Service Leave Overseas
  - Business Leave Overseas
  - Leave With Pay
  - Leave Without Pay

### **Audience:**

All staff

### **Relevant legislation:**

Holidays Act 2003  
Parental Leave and Employment Protection Act 1987 and Amendments  
Wages Protection Act 1983  
Employment Relations Act 2000  
Electoral Act 1993

## **Legal compliance:**

### *Key provisions in the Holidays Act 2003:*

- The University must allow every employee to take public holidays, annual leave, sick and bereavement leave in accordance with the Act and Employment Agreements. (Sections: 7, 46, 16, 39, 63)
- Employers to keep holiday and leave record. (Section: 81)

### *Key provisions in the Parental Leave and Employment Protection Act 1987:*

- Where an employee meets the eligibility criteria prescribed by the Act the employee must be given the appropriate Parental Leave entitlement. (Sections: 7, 9, 17, 19, and 70)
- Employees' positions must be kept open or available in certain situations. (Sections: 36, 40)
- The University must not take action, which disadvantages the employees' rights in relation to Parental Leave. (Sections: 49, 56)

### *Key provisions in the Wages Protection Act 1983:*

- The University must ensure that payment to employees of leave is made in accordance with the Act.

### *Key provisions in the Employment Relations Act 2000;*

- The Employment Relations Act 2000 requires parties to an employment relationship to deal with each other in good faith (Section 4).

### *Key provisions in the Electoral Act 1993;*

- The University must ensure that it abides by the criteria set out in this Act, namely that Election to Parliament leave shall commence on nomination day and in the event of nomination as a constituency candidate or list candidate, shall continue until the first working day after polling day, unless the nomination is withdrawn (Section 3).

## **Related procedures / documents:**

- [Employment Agreements](#)
- [MyHR \(the Massey University leave system\)](#)
- [Guidelines on Research, Teaching, Study and Professional and Organisational Periods/Duties Overseas and in New Zealand](#)
- [The People and Culture \(P&C\) Website](#)
- [Delegations of Authority Document – Human Resources Delegations](#)

## **Document Management Control:**

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