

Leave Policy

It is the Policy of St Chads Communication Centre Trust to enable employees to understand their leave entitlements and to assist the proactive management of leave by employees and their Managers. The policy is intended to encourage and provide opportunities for employees to create a balance between personal lives, parental obligations and their work.

We will do this by:

- regularly monitoring employees leave and ensure the timely reporting and accurate recording of leave usage to assist the proactive management of leave liabilities and employee wellbeing.
- providing a framework for the granting, management and administration of leave in line with contractual entitlements and operational requirements.

This Policy is for the benefit of all staff.

The General Manager is responsible for ensuring this Policy is adhered to and any non-compliance with this Policy may be included in performance and appraisal processes at the discretion of the Board Chairperson.

Guidelines:

1. Sick Leave

The purpose of sick leave is to assist the employee to protect or re-establish their personal wellbeing, or the wellbeing of dependent member(s) of their whanau at times of sickness or injury. St Chads supports employees by providing sick leave entitlements that either align with, or exceed the minimums as outlined in the Holidays Act 2003. Specific entitlements and sick leave arrangements are set out in employment agreements.

Use and management of sick leave

Managers have a responsibility to administer, monitor and manage sick leave in a fair and equitable manner, and employees have an obligation to utilise sick leave responsibly. That means that if an employee is sick or injured they should be allowed sufficient time to recover without undue pressure to return to work. Equally, an employee should not take time off under the guise of sickness when they have a different reason for being absent.

St Chads sick leave policy is based on the premise that:

- If an employee is sick or injured; or
- an employee's spouse or partner is sick or injured; or
- a person who depends on the employee for care is sick or injured;

then they should be provided with leave, in accordance with their employment agreement, to recover to the point where they can return to work. Not only is this to protect the health and wellbeing of the employee, but also the health and wellbeing of other staff, tāngata whaikaha and the organisation.

If an employee is responsible for the care of someone and that person becomes sick or injured then, provided they have sufficient sick leave, they may use that leave to take paid time off work to care for that person. A person is not deemed dependent upon the employee if they are under the care of someone else (e.g. another family member, in a rest home or in a hospital).

If someone close to an employee is sick or injured and the employee wants to take time off to be with that person, then they may take annual leave, or if they do not have any annual leave entitlement they may apply for anticipated annual leave, or special leave without pay.

While medical appointments may be attended utilising sick pay provisions, there must be a strong case for why appointments could not be made outside of normal working hours. To be approved, reasonable notice must be provided.

Medical Certificates

The most sensitive and difficult problems to manage are often those concerning short-term but persistent patterns of absenteeism, or long-term illness.

Employees may be required by their Manager to produce a medical certificate at the employee's expense, following a period of sick leave greater than three consecutive calendar days, whether or not the days would otherwise be working days for the employee.

For absences of less than three consecutive calendar days, employees may be required to provide a medical certificate at St Chads' expense, as proof of the illness or injury for which sick leave is being taken, where a Manager:

- has reasonable grounds to suspect that sick leave is not genuine; and
- has informed the employee of their concern; and
- informs the employee as early as possible that the proof is required

alternatively, where St Chads is wanting to ensure a return to work and/or return to full duties is at no further risk to the employee's health or wellbeing

Where a pattern of absence develops that is unsupported by medical certificates, the Manager will follow up with the individual concerned to investigate the cause. If the pattern of unsupported absences continues, the situation will be reviewed, and disciplinary action may be considered.

Where an absence extends over an extended period and the continued ill health/injury of a staff member prevents them from carrying out their duties, the situation will be reviewed at regular intervals and where necessary medical advice will be sought on the long-term prognosis.

If the absence continues to extend over a prolonged period and is affecting operational needs, other options may need to be explored with the staff member. Each case will be treated on its merits and with due regard to the medical information that is received.

Use of Annual Leave

Where employees have exhausted their sick leave entitlement their Manager may agree, if requested by the employee, for annual leave to be used to cover their absence provided such use of annual leave does not restrict the employee's ability to have sufficient annual leave for the purposes of rest and recreation, as specified in the Holidays Act 2003 and subsequent amendments.

Applying for Sick Leave

Employees must apply for sick leave, for each period, on the first day that they return to work after the period of leave or, in the case of an appointment, with as much notice as possible.

2. Annual Leave

Scope

Specific entitlements are set out in employment agreements, the provisions of the Holidays Act 2003 and subsequent amendments.

St Chads provides all employees (except for casual and some fixed term) access to annual leave so they are able to take regular breaks that give them a respite from work.

The employee and Manager will wherever practicable, regularly review, discuss and plan for annual leave in advance, and if required; temporary assistance by way of another employee, may be employed on a fixed term basis to cover the staff member taking leave. In that case, the employer may utilise the services of a recruitment agency to find suitable cover.

Entitlement to Annual Leave

Entitlements to annual leave are prescribed in employment agreements. The Holidays Act 2003 provides for employees to become entitled to paid annual leave at the end of each year of their employment. Subject to Manager approval and the provisions of the relevant employment agreement, annual leave may be taken in advance of entitlement up to the number of days accrued. It is a requirement of the Holidays Act 2003 that leave be allowed in the year in which it becomes due. However, some employment agreements allow for a proportion of annual leave entitlement to be carried forward to the next year with the approval of the employee's Manager.

Timing of Leave

Annual leave should be taken each year at times mutually agreed between the Manager and the staff member concerned, taking into account St Chads' operational needs and the needs and wishes of the employee.

Obligation to Take Annual Leave

Normally annual leave is to be taken in the year it falls due and will be managed within the limits set down in employment agreements. Managers will monitor leave entitlements and where excessive leave has been accumulated request a proposed plan to reduce the amount of annual leave. The staff member and Manager should agree on the timing of leave so that it is convenient both for the staff member and the particular work area. If a plan for taking leave is not agreed, the Manager may direct the staff member to take some annual leave at specified times within the next year.

Employees are required to take Annual Leave during any closedown period and it is the responsibility of the Employee to ensure they have enough entitlement to cover themselves financially during this period.

Annual Leave on Termination (Holiday Pay)

On termination of employment, staff will receive payment for any annual leave that has not been taken.

Cashing up of Annual Leave

An employee who becomes entitled to annual leave on their anniversary date is able to request cash up of up to one week of their annual holidays during the 12 month period of their entitlement year that runs from that point.

An employee who does not make a request or does not request the maximum in one year, cannot carry the balance over and request more than one week the following year.

St Chads is under no obligation to agree to a request for payment. Any request for payment should be in writing.

3. Special Leave and domestic violence leave

Scope

This policy applies to all staff. Paid or unpaid leave may be granted on a discretionary basis by the General Manager to meet a particular circumstance and is considered on a case by case basis confidentially by the General Manager who will ensure processes

are in place to protect the privacy of the employee. In addition to leave, Employees affected by domestic violence are also able to request a short-term variation to their working arrangements.

Special paid or unpaid leave may also be granted in other exceptional circumstances. These may include meeting family obligations not covered by the sick leave and bereavement/tangihanga provisions (e.g. to visit a sick relative who is not a dependent). It may also be granted where an employee is required to participate formally as a witness or special presenter of evidence in legal proceedings.

4. Jury Service

Scope

From time to time employees will be requested by the Ministry of Justice to fulfill their community obligations as a juror. To enable employees to participate in upholding the justice system St Chads provides the following support, when it does not unduly affect or impact on the business.

Overview

An employee called on for jury service will be granted leave with pay provided that all fees payable by the court on the days the employee would have otherwise worked are paid to St Chads. The employee may retain any expenses payments. However, employees who wish to keep their jury service fees may apply to take leave without pay. Specific entitlements to jury service leave are contained in some employment agreements, however the maximum entitlement is 5 days.

5. Bereavement/Tangihanga Leave

The loss of a family member, close friend or associate and the associated grief that arises when an employee experiences bereavement, will vary from person to person. St Chads recognizes the special needs of employees at the time of bereavement by providing bereavement/tangihanga leave.

Entitlement

Employees are entitled to paid bereavement leave where a close family member dies or on the death of any other person, if the employer accepts, having regard to relevant factors, that the employee suffered bereavement as a result of the death. This includes leave to attend a tangi (or its equivalent).

In granting time off, the Manager must consider the amount of time needed to properly discharge any responsibilities or obligations in respect to the deceased.

Employees are entitled to a maximum of three (3) days bereavement/tangihanga leave for each death in respect of a:

- spouse or partner;
- parent;
- child;
- sister or brother;
- grandparent;
- grandchild; and
- spouse's /partner's parent.

Employees are entitled to at least one day's bereavement / tangihanga leave where St Chads accepts an employee has suffered bereavement in respect to any other person who has died.

In determining entitlement, the Manager must consider the closeness of the association of the employee to the deceased.

6. Parental Leave

Scope

The Parental Leave and Employment Protection Act 1987 prescribes parental leave entitlements for female and male employees who assume or intend to assume the primary care of the child of the pregnancy and protects the rights of employees during pregnancy and parental leave.

Parental Leave

Parental leave may be shared by both parents and is also available to adoptive parents. It must be taken in one continuous period associated with the date of birth or adoption. Parental leave does not break service. Annual leave continues to accrue during parental leave but is paid at the rate of the employee's average weekly earnings during the year in which the leave accrues. The leave counts as service for sick leave, long service leave, retirement leave, and salary increments. Up to 52 weeks parental leave may be approved depending on length of service and the provisions that apply in a particular case.

Eligibility

Eligibility depends on the length of service and in some cases, the proximity of the birth or adoption to any previous period of parental leave. Staff who work less than 10 hours a week may not be eligible.

Special Leave

The Parental Leave and Employment Protection Act provides that a staff member who is pregnant is entitled to take up to 10 days leave without pay prior to the taking of parental leave, for reasons connected with the pregnancy. In some circumstances, paid sick leave may be appropriate.

Job Protection

St Chads will normally hold a staff member's position open (this includes filling it temporarily). Where St Chads needs to fill a key position permanently, there are provisions for offering a staff member a comparable position, or, if this is not possible, approving an extension of leave until the staff member's previous position or similar position becomes vacant. St Chads will, wherever possible, involve a staff member who is on parental leave in the consideration of any proposal which may result in substantial changes to their position.

A staff member applying for leave must inform their Manager within the notice period provided by legislation. The staff member and the relevant Manager will be notified of the parental leave arrangements that are approved.

Return from Parental Leave

Staff are required to give a minimum of 21 days notice in writing of their intention to return to work on a scheduled date.

7. Leave Without Pay

Scope

These procedures apply primarily to staff on continuing appointments. Leave without pay will not be granted to staff on casual contracts and is very unlikely to be granted to staff on fixed term contracts except for very short periods.

Leave without Pay

Leave without pay may be granted at the discretion of the General Manager where no other leave arrangement is available or appropriate and will normally be for relatively short periods. Longer periods of leave without pay may be granted in special circumstances where it can be shown to be in the interests of St Chads. In granting such leave the Manager will take into account

operational needs; the level of inconvenience caused by the staff member's absence; and any additional costs arising from the proposed absence. These may include the costs associated with replacement staffing and additional leave liabilities. Leave without pay is very unlikely to be considered where any unused annual or accumulated leave is available.

8. Time Off in Lieu (TOIL) and Overtime

Purpose and Objective

St Chads has a number of positions that are remunerated on a salaried basis.

The purpose of this policy is to ensure that all salaried employees are aware of the hours of work that they are remunerated for and when "TOIL" may be applicable to their work situation.

St Chads expects employees to work the hours that are necessary and reasonable to complete their work competently.

In certain circumstances an employee may be required to work additional hours to accomplish or progress a significant project or amount of work.

However, management of these hours needs to be monitored effectively. Managers need to feel rest assured that overtime is not being abused, or that an employee who is consistently working overtime, doesn't in fact require training around time management, or that the position may need to be analysed to ensure that the role has been sized appropriately.

All Overtime must be countersigned by the General Manager.

Time off in lieu (TOIL) is the exception not the rule.

The remuneration level stipulated in salaried employees' employment agreements includes consideration for the hours of work required to complete the role and is not based on a set 40 hour per week calculation.

Any allocation of 'Time off in Lieu' must be approved by the General Manager.

When TOIL applies, it is made with regard to the shared flexibility between the employee and their Manager, which reflects an agreed give and take understanding.

Approval of Leave

All staff leave must be approved by their immediate Manager and/or by the General Manager before taking the leave or accruing costs associated with planned leave by filling out of leave application forms or in a manner that allows the information to be easily accessed and converted into written form e.g. emails, text messages and phone calls. The employee's Manager and/or the General Manager are required to respond to leave requests within 5 working days of receipt.

Leave may only be applied for up to nine months in advance of proposed leave being taken except in exceptional circumstances at the discretion of the General Manger.

Approval of leave for the General Manager is provided by the Chairperson.

Other Leave

From time to time other leave provisions may be mandated by Government (e.g. COVID-19 Leave). St Chads will follow guidance provided to approve and/or implement the leave in accordance with guidelines provided.

Supporting Documents:

- Individual Employment Agreements
- Staff Code of Conduct
- Employee Handbook
- Employment Relations Amendment Act 2018
- Holidays Act 2003
- Parental Leave and Employment Protection Act 1987

Policy Review:

This policy is to be formally reviewed every second year.

Document Control Parameters

The provisions of this Policy supersede and replace all previous Leave policies, procedures and guidelines.

Date ratified: 2.12.15	Date reviewed: March 2021	Next review: March 2023
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