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LEAVE MANAGEMENT

Section	People and Organisation Development		
Approval Date	22.03.2013	Approved by	Executive Team
Next Review	14.07.2023	Responsibility	Executive Director: People and Culture, Oritetanga, Learner Services
This review	03.03.2021	Key Evaluation Question	6

INTRODUCTION

This policy outlines procedures for various types of leave and should be read in conjunction with your Employment Agreement.

Contact the People and Organisation Development (POD) team for any further details.

PURPOSE

The purpose of this policy is to ensure leave is taken in accordance with legislative and employment agreement requirements and recognises the need for a healthy working environment and a healthy work/life balance.

SCOPE

This policy applies to all permanent and fixed term, full time and proportional team members working at Nelson Marlborough Institute of Technology (NMIT) that have leave entitlements.

The annual holiday and leave without pay sections of this policy do not apply to casual employees nor to those fixed term employees who receive holiday pay instead of annual leave.

DEFINITIONS

Academic team members	Teaching and non-teaching employees, who are employed under academic employment agreements.
Business Support team members	All employees other than academic employees.
Manager	An employee's immediate manager.
Executive Team	Chief Executive and Executive Directors.
POD Kiosk	NMIT's Online Leave and Pay Management Staff Portal.
HRIS	Human Resources Information System.

Statutory minimum	Minimum entitlement to leave as provided for in the Holidays Act and its amendments.
TEU CEA	Tertiary Education Union Collective Employment Agreement.
<u>Annual Leave</u>	
Annual leave	This is Annual Leave or Annual Holiday as described in employment agreements. Note: "Discretionary Leave" and " Professional Development " are not considered to be annual leave.
Leave year	Academic leave year: 1 st February to 31 st January Business Support leave year: Generally one anniversary of commencement of employment to the next anniversary (but this can be altered by periods of leave without pay).
Accrued annual leave	<u>This applies to Business Support team members only</u> Annual leave accrued during the course of a leave year. This will later become annual leave entitlement on the employee's leave anniversary date.
Annual leave entitlement	<u>This applies to Business Support team members only</u> The annual leave that has become the employee's 'entitlement' at their leave anniversary date. This is the same annual leave that had been accruing up until their leave anniversary date.
Available annual leave	<u>This applies to Business Support team members only</u> Remaining annual leave entitlement plus accrued annual leave.
<u>Other Leave</u>	
Discretionary leave	Leave provided for in the Academic team members' employment agreements, which can be used at the employee's discretion subject to certain parameters.
Leave without pay (LWOP)	Leave without pay is unpaid leave.
Sick Leave	Staff absences through illness or injury.

RESPONSIBILITIES

EXECUTIVE TEAM

- Considering applications for those leave types that can only be approved by the Executive Team Members (e.g. Special leave with pay).
- Considering all applications to carry over leave.

MANAGER

- Ensuring the opportunity to take annual leave is available.
- Jointly developing a comprehensive "Leave Plan" with each of their team members and adjusting it as necessary through the year.
- Ensuring, unless negotiated otherwise, a team member's full annual leave entitlement is taken in the appropriate leave year.
- Ensuring all leave, and any changes, are notified to POD (via POD Kiosk where possible).
- Ensuring an academic team member's initial leave plan is received by POD before 31 March each year.
- Ensuring a Business Support team member's leave plan is entered and approved via POD Kiosk as early as possible and before each period of leave is taken.
- Monitoring each employee's leave and ensuring compliance with legislation, employment agreements and policy.
- Ensuring sick leave is recorded accurately via POD Kiosk as soon as possible.
- Requesting medical certificates when required.
- Monitoring absences and ensuring any concerns regarding absences and the use of sick leave are investigated and appropriate action is taken in a timely manner.
- Considering applications for leave - taking into account the principles in this policy, operational requirements and the effects of leave on their units, NMIT and other NMIT team members.
- Ensure new employees are familiar with the recording systems for leave.

EMPLOYEE

- Jointly developing a 'Leave Plan' with their manager and submitting it via POD Kiosk where possible.
- Ensuring approved planned leave is recorded accurately, as early as possible.
- Ensuring any amendments are negotiated with their manager and notified to POD before the period of amended leave (via POD Kiosk where possible).
- Informing their manager, prior to or as soon as possible if unable to do it prior, when they are unable to attend work because of illness or injury.

POD

- Receiving and storing leave records, enabling easy retrieval via POD Kiosk (see PROCEDURES section).
- Accurately paying employees.
- Advising managers of the balance of each team member's unused annual leave entitlement and sick leave record as required.
- Provide exception reports to the Executive Team as required.

Ensure the HRIS system is updated.

ANNUAL LEAVE AND DISCRETIONARY LEAVE

POLICY

Any entitlement to annual leave greater than the statutory minimum will be specified in the applicable employment agreement.

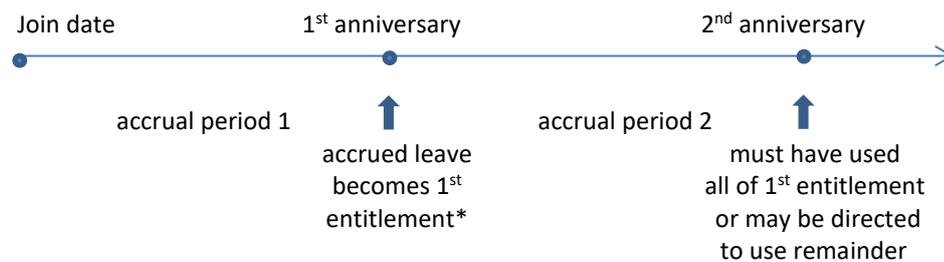
BUSINESS SUPPORT TEAM MEMBERS

The leave year for Business Support team members is based on the start date of their employment. The annual leave anniversary date can be extended out following periods of unpaid leave greater than one week.

The annual leave accrued during the leave year becomes an entitlement on the employee's next leave anniversary date. Annual leave is to be taken within 12 months of it becoming entitlement. NMIT welcomes Business Support team members to use it before it becomes entitlement, up to the available annual leave amount (i.e. all leave accrued at the date of the proposed annual leave is part of the 'available annual leave entitlement').

An employee's annual leave intentions for their leave year should include usage of all of their entitlement. If this is not the case then NMIT can direct the employee to use the leave on specific dates, provided a minimum of 14 days' notice is given.

This timeline shows annual leave for Business Support team members:



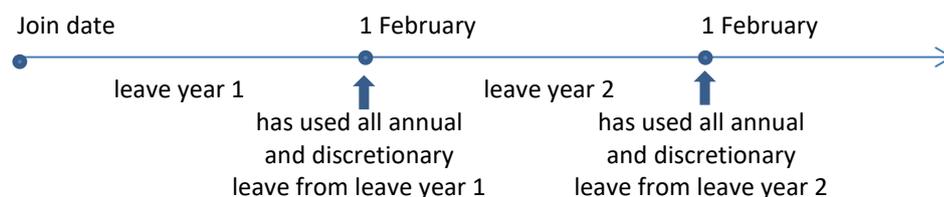
*accrued leave can be used before it becomes entitlement.

Refer to procedures below.

ACADEMIC TEAM MEMBERS

Academic team members have agreed to use their annual and discretionary leave within the leave year, as depicted below. (Refer to the appropriate employment agreement.)

This timeline shows annual leave for academic team members:



Refer to procedures below.

PROCEDURES

BUSINESS SUPPORT TEAM MEMBERS

Business Support team members are encouraged to agree leave in advance with their managers, ensuring that sufficient notice is given for supporting resources to be put in place as required. Each period of intended leave is to be submitted via POD Kiosk as early as possible and prior to each period of leave taking place.

Where possible, Business Support team members are strongly encouraged to keep their leave entitlement below 10 days in order to protect that team member's health, safety and wellbeing. Managers will work with their team members to ensure that conditions are such that team members feel supported in their ability to take their entitled leave.

Holidays to which an employee is entitled are generally taken by mutual agreement. However, if agreement is not able to be reached following consultation, NMIT can direct an employee to use some or all of their annual leave entitlement on specific dates, provided a minimum of 14 days' written notice is given.

ACADEMIC TEAM MEMBERS

A "Leave Plan" is to be jointly prepared by the manager and each employee at the commencement of each leave year. The leave plan must include all of the annual and discretionary leave for the year. The leave plan with the required approval is to be forwarded to POD before 31 March each year. Where a complete leave plan is not received, POD will issue a default leave plan.

Annual holidays and discretionary leave for academic team members is only to be taken in term time in exceptional circumstances.

Where possible, Academic team members are strongly encouraged to use their leave entitlement within the year to which it becomes an entitlement in order to protect that team member's health, safety and wellbeing. Managers will work with their team members to ensure that conditions are such that Academic team members feel supported in their ability to take their leave.

Holidays to which an employee is entitled are generally taken by mutual agreement. However, if agreement is not able to be reached following consultation, NMIT can direct an employee to use some or all of their annual leave entitlement on specific dates, provided a minimum of 14 days' written notice is given.

AMENDMENTS (FOR BOTH BUSINESS SUPPORT AND ACADEMIC TEAM MEMBERS)

With the manager's approval, leave plans can be amended prior to the planned leave taking place. Any changes are to be forwarded to POD prior to the leave being taken.

POLICY

LWOP may be approved where the reasons for the request are worthy of special consideration and of likely value to the NMIT team member, their family, the Institute, or society.

Managers may approve LWOP of up to four weeks. Directors, Curriculum Directors, Executive Directors or the Chief Executive may approve LWOP of more than four weeks.

There is no automatic right to LWOP and each application will be considered on its merits.

Preference will be given to requests:

- where the activity is likely to benefit an individual's professional development;
- with benefits to society (e.g. VSA);
- for national representation (e.g. in sport, art, or culture);
- which provide support for family and whānau; or
- of mutual benefit to the applicant and NMIT - such as study leave.

If LWOP is approved, it will be for a set period and normally for a maximum of 12 months. It may be approved for up to 24 months for TEU members. The period may only be extended while leave is in progress if an extenuating circumstance can be demonstrated and if NMIT can accommodate the request.

Where LWOP is granted in association with activity directed by NMIT or as part of planned activity by NMIT (e.g. international consultancy) the period of LWOP may exceed the 12 month limit.

Team members applying for LWOP need to be aware that, should their role be affected by organisation changes while they are away or within 12 months of their return, then the amount of any severance payment due to them will be affected by their LWOP.

PROCEDURE

Applications are to be made at least three months prior to the commencement of the leave requested.

Applications for LWOP must be in writing to the manager and state the reasons for the request. Leave Plans for the relevant years should accompany the application identifying the total leave request for the year.

Only in exceptional circumstances will LWOP be approved in the first year of employment.

Business Support team members are required to use any available annual leave before commencement of LWOP. Academic team members may be required to use any available annual and discretionary leave before commencement of LWOP.

The manager, Director, Curriculum Director, Executive Director or Chief Executive will respond to an application for LWOP in writing. The POD Team will generate the response letter if the period of LWOP is greater than one week, as the employee needs to understand the effect on their service entitlements.

SICK LEAVE

POLICY

Sick leave is available so that:

- sick/injured team members have reasonable time to recover; and
- team members have the opportunity to provide care for their spouse/partner or dependents in the household who are sick or injured.

Some employment agreements allow sick leave to be used for other purposes. (Refer to the appropriate employment agreement.)

At the same time, NMIT has limited resources to support team members in situations of long-term absence or frequent intermittent absence caused by sickness or injury. NMIT has a responsibility to consider the impact of these absences on students, other employees and the Institute.

Entitlements to paid sick leave are stated in employment agreements (or, if not stated, are the statutory minimum).

SICK LEAVE WHILE ON ANNUAL LEAVE

The Holidays Act allows employees who are sick immediately preceding annual leave to change the days they are sick from annual leave to sick leave. This applies only to annual leave, not discretionary leave. This change can be approved by their manager.

If an employee becomes ill while on annual leave, then it is at the discretion of NMIT whether or not this leave is changed to sick leave. Applications require the approval of the appropriate Executive Team member. As a general rule NMIT will not grant a change to sick leave unless there are exceptional circumstances.

Discretionary leave will not be changed to sick leave in any circumstances.

PROCEDURE

Team members who are unable to attend work because of illness or injury are to notify their manager of their absence as soon as is practicable and before their expected start time. If a team member is incapacitated to such a degree that this is not possible then they may arrange for a family member or friend to call on their behalf.

Team members who are, or are likely to be, absent on sick leave for longer than five days are required to provide a medical certificate as soon as is practically possible. This certificate should state the probable period of absence and the reason for the absence.

NMIT may require sick or injured team members who return during the period of recommended absence covered by a medical certificate to resume their period of sick leave.

A sick team member whose sick leave has been exhausted has the option of applying to their manager to use annual leave or discretionary leave if they have any available.

Sickness or an accident that arises out of, and in the course of, employment may be covered by the provisions of the Accident Compensation Act.

ALL OTHER LEAVE

Details relating to other leave are as stated in the appropriate employment agreement. Note that the following types of leave require approval from the appropriate Executive Team member:

- Sick leave in excess of normal entitlement
- Special leave **with** pay;
- Changing annual leave to sick leave if the sickness/injury occurs while the team member is on annual leave;
- Bereavement/Tangihanga leave (where the requested leave is beyond the statutory minimum);
- Of the leave types available **only** to academic team members:
 - Leave for family reasons
 - Leave for approved statutory authorities
- Of the leave types available **only** to Business Support team members:
 - Retiring leave if it is proposed that it be received as a lump sum or as a cash grant on death.

REFERENCES

INTERNAL

Collective Employment Agreements
Individual Employment Agreements

EXTERNAL

Holidays Act and its amendments
Accident Compensation Act