

19-D-01560

s 9(2)(a)

Dear s 9(2)(a)

Thank you for your email of 24 July 2019 requesting the following under the Official Information Act 1982 (the Act):

I would like to make an OIA request related to Leave Entitlement by leave type ideally for the last year or the latest year available. If you could please provide the following: How many days of each leave type do you provide to your employees? (AL, Sick leave, Any special leave etc.) Can staff purchase additional leave? If yes, how many days? Do you offer extra days (council days etc) as a compensation for Christmas shutdown period? If yes, how many days? ...

The Ministry for the Environment has identified two documents in scope of your request, the Collective Employment Agreement (CEA) (14 September 2017 to 30 June 2019) and the Individual Employment Agreement October 2017. The specific leave information requested is outlined in the table below, along with extracts taken from the CEA and IEA. Some out of scope information has been removed from the two documents being released to you. Only the sections detailing the leave type and entitlement have been included.

Note that employees covered by the Ministry's CEA and current Individual employment agreement are covered by these provisions. Leave provisions for employees on older employment agreements and Managers are aligned to the provisions specified in their agreement.

The Ministry aims to ensure its Leave processes and policies are compliant with current New Zealand Legislation laid out in the Holiday's Act (2003) and the Employment Rights Act (2000).

The Ministry also recognises the legal protections in the workplace for people affected by domestic violence outlined in the Domestic Violence – Victims' Protection Act 2018, which gives employees affected the right to take at least 10 days of paid leave that is separate from annual, sick and bereavement leave.

Sections from the Collective Employment Agreement, which are in scope, have been provided to you in the attached. The sections in scope are:

- **Section 17 Leave**

This section provides information and guidance on:

- 17.1 Recognition of Continuous Service
- 17.2 Public Holidays
- 17.2 Annual Holidays
- 17.4 Ministry Holidays

- 17.5 Additional Leave in a Working Year
- 17.6 Leave without Pay
- 17.7 Sick Leave
- 17.8 Medical Retirement
- 17.9 Caring for Dependents
- 17.10 Bereavement/Tangihanga Leave
- 17.11 Other Special Leave
- 17.12 Volunteers Service (Armed Forces) Leave
- 17.13 Study Leave
- 17.14 Parental Leave
- 17.15 Long Service Leave
- 17.16 Retirement Leave

Sections from the Individual Employment Agreement, which are in scope, have been provided to you in the attached. The sections in scope are:

- **Section 12 Leave**

This section provides information and guidance on:

- 12.1 Recognition of Continuous Service
- 12.2 Statutory Leave
- 12.3 Annual Leave
- 12.4 Ministry Holidays
- 12.5 Leave without Pay
- 12.6 Sick leave
- 12.7 Medical Retirement
- 12.8 Caring for Dependants
- 12.9 Bereavement/Tangihanga Leave
- 12.10 Other Special Leave
- 12.11 Volunteers Services (Armed Forces) Leave
- 12.12 Study Leave
- 12.13 Parental Leave
- 12.14 Long Service Leave

Below is a Comparison table between the Individual and Collective Agreements outlining our Leave Clauses and any differences between the two agreements:

Clause	CEA	IEA Oct 2017
Time in lieu (public hols)	Available	Available
Time in lieu (overtime)	Available at one hour per hour of overtime worked.	Available at one hour per hour of overtime worked
Special duties	Payable for taking on additional duties beyond their usual role for a long period of time, where a higher duties allowance is not payable. Rate advised for each case.	Payable for taking on additional duties beyond their usual role for a long period of time, where a higher duties allowance is not payable. Rate advised for each case.
Recognition of Continuous Service in Public Service	<p>Recognised for addition to service calculations for annual leave, long service leave, sick leave, care for dependents leave, and parental leave.</p> <p>Only continuous service after 13/05/03 will be eligible for recognition. Service is considered broken after a 15 month break in service; after a four year break in service for childcare purposes; or after payment of a redundancy.</p>	<p>Recognised for addition to service calculations for annual leave, long service leave, sick leave, care for dependents leave, and parental leave.</p> <p>Only continuous service after 13/05/03 will be eligible for recognition. Service is considered broken after a 15 month break in service; after a four year break in service for childcare purposes; or after payment of a redundancy.</p>
Recognition of Relevant Service outside of the Public Service	<p>Recognised for annual leave only.</p> <p>Only service after 13/05/03 will be eligible for recognition.</p>	<p>Recognised for annual leave only.</p> <p>Only service after 13/05/03 will be eligible for recognition.</p>

Public Holiday	<p>Payable if they fall on a day when the employee would have otherwise worked.</p> <p>Employees working on a public holiday are entitled to payment at T1.5 for the hours worked, and time in lieu</p>	<p>Payable if they fall on a day when the employee would have otherwise worked.</p> <p>Employees working on a public holiday are entitled to payment at T1.5 for the hours worked, and time in lieu</p>
Annual leave	<p>Four weeks at the end of each 12 month period of continuous employment. 4.4 weeks after five years continuous service.</p>	<p>Four weeks at the end of each 12 month period of continuous employment. 4.4 weeks after five years continuous service.</p>
Ministry Holidays	<p>Payable for the period between Boxing Day and New Years Day, if they fall on a day the employee would have otherwise worked.</p>	<p>Payable for the period between Boxing Day and New Years Day, if they fall on a day the employee would have otherwise worked.</p>
Purchase of Additional Annual leave	<p>Available. Salary reduced in exchange for additional annual leave within the current leave entitlement year.</p>	<p>Not available</p>

Leave without pay	Available. Service interrupted for period between one month and three months. For periods of over three months service will be considered interrupted if the employee returns and broken if they do not.	Available. Service interrupted for period between one month and three months. For periods of over three months service will be considered interrupted if the employee returns and broken if they do not.
Sick leave	Seven days for the first three months, then unlimited	Seven days for the first three months, then unlimited
Medical retirement	Payable at a minimum of 65 days at ordinary daily pay	Payable at a minimum of 65 days at ordinary daily pay
Caring for Dependents	Maximum of five days in one instance. Maximum of ten days per 12 month period.	Maximum of five days in one instance. Maximum of ten days per 12 month period.
Bereavement/Tangihanga Leave	Minimum of three days for the death of a close relative; otherwise minimum of one day.	Minimum of three days for the death of a close relative; otherwise minimum of one day.
Special leave	Available	Available
Emergency leave	Available; can be paid or unpaid	Available; can be paid or unpaid

Volunteer Service (Armed Forces) leave	Up to 12 weeks for initial training, then four weeks per year. Salary or military pay to be refunded to Ministry, whichever is less. Unpaid leave of up to 12 months for peacekeeping duties.	Up to 12 weeks for initial training, then four weeks per year. Salary or military pay to be refunded to Ministry, whichever is less. Unpaid leave of up to 12 months for peacekeeping duties.
Study leave	Available; can be paid or unpaid. Payment of or contribution to course fees may be claimed.	Available; can be paid or unpaid. Payment of or contribution to course fees may be claimed.
Parental leave	Up to 18 weeks for primary carer	Up to 18 weeks for primary carer
Discretionary leave (Parental)	Up to 10 days prior to taking parental leave for primary carer for reasons connected to the pregnancy	Up to 10 days prior to taking parental leave for primary carer for reasons connected to the pregnancy
Partners leave	Up to two weeks, one week paid and one week unpaid	Up to two weeks, one week paid and one week unpaid
Extended leave (Parental)	26 weeks if continuously employed for less than 12 months; 52 weeks if continuously employed for more than 12 months; 104 weeks if permanent employee for a period of over 12 months.	26 weeks if continuously employed for less than 12 months; 52 weeks if continuously employed for more than 12 months; 104 weeks if permanent employee for a period of over 12 months.

<p>Long service leave</p>	<p>Paid at ordinary daily pay. One week on completion of every five years of continuous service. If prior service outside MFE recognised, entitlement is two weeks on completion of 10 years continuous service, then one week on completion of every five years of continuous service. Long service leave must be taken before the next qualifying period is completed and before employment ceases or it will be forfeited.</p> <p>The cash equivalent of any long service leave earned but not taken on termination due to redundancy.</p>	<p>Paid at ordinary daily pay. One week on completion of every five years of continuous service. If prior service outside MFE recognised, entitlement is two weeks on completion of 10 years continuous service, then one week on completion of every five years of continuous service. Long service leave must be taken before the next qualifying period is completed and before employment ceases or it will be forfeited.</p> <p>The cash equivalent of any long service leave earned but not taken on termination due to redundancy.</p>
<p>Retirement leave</p>	<p>Payable if retiring within 10 years of eligibility to receive National Superannuation payments and has completed a minimum of five years service at MfE. Paid at the equivalent of 30 working days for between five and ten years service; and at 65 working days for service of greater than ten years.</p>	<p>Not available</p>

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Special leave	Either paid or unpaid. On cessation of special leave if the employee does not return severance is calculated based on the date they started the period of special leave.	Not available
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Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our website on our [OIA responses page](#) shortly after the response has been sent.

If you have any queries about this, please feel free to contact our Executive Relations team.

Yours sincerely



Neil Hurley
Director – People Experience

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the Official Information Act 1982

List of documents

Document no.	Document date	Content	Decisions	OIA sections applied
1		Collective Employment Agreement	Released in full	
2		Individual Employment Agreement	Released in full	

Released under the provision of
the Official Information Act 1982

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