



## Holidays, Sick Leave and Leave Without Pay Policy and Procedure

Human Resources Policy

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### 1 Purposes

The purpose of the Holidays, Sick Leave and Leave Without Pay Policy and Procedures are to inform Managers and staff about holidays and sick leave, to confirm the University's systems and procedures for managing these types of leave and leave, and to establish the eligibility, duration and procedures for Leave Without Pay.

*Note: For your entitlements to holidays and leave, and for information on other types of leave not covered in this Policy, please refer to your employment agreement*

### 2 Organisational scope

The Holidays and Leave Policy and Procedure is a University wide policy.

### 3 Definitions

Annual Leave	Any holiday that an employee is entitled to by virtue of either the legislative requirements of the <i>Holidays Act 2003</i> and any subsequent amendments, or a specified term of their employment agreement.
Public Holiday	A holiday specified in the <i>Holidays Act 2003</i> as one of the 11 Public Holidays.
Alternative Holiday	A day's holiday resulting from an employee being required to work on all or part of a Public Holiday which falls on a day the employee would usually work.
Research & Study Leave	A period of leave from teaching (except for PhD and Masters supervision) and administrative duties to undertake an approved programme of research or study.
University Holiday	A University determined additional paid holiday if the employee would usually work that day.
University Closedown	A period of time, normally over the Christmas and New Year period, where the University customarily closes down all or some of its operation and requires staff to take all or some of their annual holiday.
Sick Leave	A period of leave where an employee is sick or injured.

Domestic Sick Leave	A period of leave to care for an employee's child or partner who is sick or injured, or to care for a person who is dependent on the employee who is sick or injured.
Long Term Sick Leave	Where an employee has been on continuous paid sick leave for a month or more and is unlikely to return to full duties within a further month.
Leave Without Pay	A temporary authorised unpaid leave of absence from work.

## **4 Principles**

- (a) The University requires that staff understand and know how to access and appropriately use the leave options covered by this Policy.
- (b) The University requires all leave covered by this Policy to be managed in line with legislative and contractual entitlements and operational requirements.
- (c) The University recognises the importance of employees having time away from the work place and requires that employees regularly use their annual leave entitlement.
- (d) Sick leave is to be administered fairly by the University's Managers and Heads of School and is to be utilised responsibly by employees. The sick leave provisions allow employees to take time off work and recover if they are sick or injured.
- (e) The University must accurately record absences on leave and employees are required to report those absences in a timely manner.
- (f) The University may grant eligible employees Leave Without Pay on a case by case basis.

## **5 Policy Content**

### **5.1 Annual Leave**

- (a) After the end of each completed 12 months of continuous employment, an employee is statutorily entitled to four weeks' paid annual leave. Employees are expected to take their full annual leave entitlement within the year following its accrual.
- (b) Employees must plan their annual leave at the beginning of each calendar year with their Manager or Head of School. Anticipated workloads, peak times for the work area and any other individual or work group commitments will be taken into account when reaching an agreement about the timing and length of annual leave. Variations to an agreed leave plan or an approved leave application must be agreed between the employee and the Manager or Head of School.
- (c) Employees and Managers/Heads of School have a joint responsibility to ensure that the full annual leave entitlement is taken each year.
- (d) Managers and Heads of School may direct staff to take annual leave during a closedown period, or where a Manager/Head of School and an employee are unable to reach agreement on the timing of the annual leave. In both cases, it is a statutory requirement that a minimum of 14 days' notice will be given.

- (e) The University has determined that it will not consider any request for the cashing up of annual leave (this does not affect payment for outstanding annual leave on resignation from the University, or any other situation where employment with the University ceases).
- (f) Procedure
  - (i) Employees are responsible for applying for annual leave, and for entering any agreed variation to their leave, through the HR Kiosk.
  - (ii) Managers and Heads of School must promptly consider the employee's application or discuss with the employee if the application is at variance with their previous agreement about timing of annual leave and/or cannot be approved.
  - (iii) Managers and Heads of School should approve an employee's application to take annual leave unless there are operational requirements which prevent such approval.
  - (iv) Anticipation of annual leave may be approved up to the amount of an employee's accruing leave as at the date the leave is to be taken.

## **5.2 Annual Leave during Research and Study Leave**

- (a) Employees who are eligible for Research and Study Leave are required to take annual leave during a period of Research and Study Leave.
- (b) Where the employee has accrued sufficient annual leave entitlement, it is expected that the amount of annual leave taken will be at least equivalent to the annual leave which will accrue in that period (e.g. if the Research and Study Leave is for a period of 12 months, a minimum of 4 weeks annual leave should be taken).
- (c) Procedure:
  - (i) Any reference to annual leave in the Research and Study Leave application does not automatically transfer through to HR Payroll. For this reason, employees are required to make a separate application through the HR Kiosk for annual leave being taken during Research and Study Leave.
  - (ii) Application for annual leave must be made by the employee through the HR Kiosk once they have received formal notification that their application for Research and Study Leave has been approved.

## **5.3 Christmas Closedown**

- (a) The University has a customary closedown for the Christmas/New Year period. All staff are required to take annual leave during the closedown period on days that are not Public Holidays or University holidays (unless approved exceptions apply). The specific dates of the closedown period and the amount of annual leave to be taken may vary from year to year.

- (b) Procedure:
  - (i) Prior written approval to work during the closedown period must be obtained from the Senior Leadership Team member responsible for the work area concerned.
  - (ii) Essential work and any other exceptions which may apply will be separately notified each year, including the application and approval processes for such exceptions.
  - (iii) There may be a specified date(s) within the period for which some exceptions will not apply.

#### **5.4 Public Holidays**

- (a) Public Holidays are in addition to annual holidays. They are paid holidays if they fall on days that would usually be working days for employees.
- (b) Public Holidays will be observed on the days set out in the *Holidays Act 2003*. The University has determined that it will not consider any request for the transfer of a Public Holiday to another day.
- (c) Procedure
  - (i) An employee is required to obtain the prior approval of their Manager or Head of School to work on a Public Holiday.
  - (ii) Employees who work on a Public Holiday may also be entitled to an alternative holiday.
  - (iii) Payment for Public Holidays will be in accordance with the *Holidays Act 2003*.

#### **5.5 University Holidays**

- (a) University holidays are in addition to annual and Public Holidays.
- (b) Eligible employees have a specified term and condition for University holidays in their employment agreements.
- (c) Eligible employees are entitled to paid leave (ordinary time) only if the University holidays fall on days that would usually be working days for those employees.
- (d) The specified days to which this eligibility applies are:
  - (i) The last working day before Christmas, and
  - (ii) Three working days between Christmas and New Year, and
  - (iii) Easter Tuesday.
- (e) University holidays are not transferable to any other day.

#### **5.6 Sick Leave**

- (a) All employees have entitlement to sick leave. The scope of the entitlement depends on the employee's employment agreement. The minimum statutory entitlement of five days per year applies to some employees, however, the majority of employees are entitled to sick leave on pay on an "as and when required" basis.
- (b) "As and when required" sick leave does not mean or imply that paid sick leave is unlimited. In situations where:
  - (i) There is long term absence due to illness or injury; or

- (ii) An employee has been employed for six months or more and has had frequent short term absence due to illness or injury which extends over a period in excess of six months; or
- (iii) An employee has been employed for less than six months and has had frequent short term absence due to illness or injury;

and it seems unlikely that the employee will be able to resume full duties within a reasonable period, the University may, after consultation with the employee, give consideration to a reduction in hours, medical retirement, an extended period of sick leave on reduced pay, an extended period of sick leave without pay or medical retirement.

- (c) As a guideline, for long term sick leave and when assessing whether absences on sick leave comprise frequent short term absence, the following may be taken into account:
  - (i) The amount and/or pattern of sick leave taken by the employee in preceding months;
  - (ii) The employee's length of service;
  - (iii) The employee's pattern of usage of sick leave over time;
  - (iv) The level of disruption to the work area caused by the employee's absence on sick leave (including the cost of cover); and
  - (v) The likelihood of the employee being able to return to full duties within a reasonable time.
- (d) Procedure:
  - (i) If employees are sick or injured, they are expected to notify their Manager or Head of School whenever possible within 30 minutes of their normal starting time (if applicable) or as soon as practicable on the day of their illness or injury.
  - (ii) A medical certificate will be required in some circumstances. The number of days away from work (including weekends) before a medical certificate is required varies according to the employee's employment agreement. In some circumstances, medical certificates will be required for one day's absence.
  - (iii) Employees are responsible for entering their sick leave into the HR Kiosk on their return to work from sick leave.
  - (iv) In cases of long term or frequent short term absence, or where the University considers that an employee's performance may be impaired by a possible medical condition, the University may require an employee to undergo an examination by a registered medical practitioner, paid for by the University.

## **5.7 Domestic Sick Leave**

- (a) Sick leave entitlement can be used if a person (normally living in an employee's household) who is dependent on the employee, becomes sick or injured and the employee is required to care for that person.
- (b) Domestic sick leave forms part of an employee's total record of sick leave.
- (c) Procedure:
  - (i) If employees are taking domestic sick leave, they are expected to notify their Manager or Head of School whenever possible within 30 minutes of their normal starting time (if applicable) or as soon as practicable on the day of their illness or injury.

- (ii) A medical certificate will be required in some circumstances. The number of days away from work (including weekends) before a medical certificate is required varies according to the employee's employment agreement. In some circumstances, medical certificates will be required for one day's absence.
- (iii) Employees are responsible for entering their domestic sick leave into the HR Kiosk on their return to work from domestic sick leave.

## **5.8 Leave Without Pay**

### (a) Eligibility

Leave Without Pay may be granted:

- (i) When the granting of leave will be of mutual benefit and interest to the University and the employee, or where the benefit favours one party and the University is prepared to approve the application. Each application will be dealt with on its merits.
- (ii) When there is a reasonable expectation that the employee will return to his/her position upon expiration of the leave.
- (iii) If the employee's absence will not unreasonably interfere with the operational requirements of the relevant school or organisational unit.
- (iv) If the employee's job can be kept open for the whole period of leave.

### (b) Common Uses of Periods of Leave Without Pay

Leave Without Pay may be used for any reason that is not covered by another leave policy including, but not limited to:

- (i) Educational purposes
- (ii) Recreational, sporting or vacation purposes
- (iii) Family care/needs
- (iv) Alternative temporary employment opportunities

### (c) Length of Leave and Required Approval

- (i) An employee may be granted Leave Without Pay for a maximum of one year.
- (ii) Heads of School and Managers who have an HR delegation level of 1 to 3 may grant Leave Without Pay.
- (iii) An application for Leave Without Pay for more than the maximum period available, or an application for an extension of Leave Without Pay, must be approved by a Manager who has an HR delegation level of 1 or 2.

### (d) Procedure

- (i) Applications for Leave Without Pay must be made in writing to the relevant Manager or Head of School and must include a statement detailing the reason/s for the requested leave.
- (ii) Approval of Leave Without Pay will be subject to the employee's agreement that all accrued annual leave (i.e. actual balance) will be used prior to their taking Leave Without Pay. For periods of Leave Without Pay of six months or more duration, approval will also be subject to the employee's agreement that all accruing annual leave will be used as well (i.e. total balance) prior to the period of Leave Without Pay.

- (iii) Any general staff employee on a period of Leave Without Pay of more than six months must advise their Manager in writing one month before they are due to return to work whether or not they will be returning to work at the end of the leave period.
- (iv) Any academic staff employee on a period of Leave Without Pay of more than nine months must advise their Manager/Head of School in writing a minimum of three months before they are due to return to work whether or not they will be returning to work at the end of the leave period.

(e) Effect of Leave Without Pay

- (i) Employment - an employee may return to work prior to the expiration of the period of Leave Without Pay subject to the agreement of his/her Manager or Head of School.
- (ii) Annual Leave – an employee will not accrue annual leave during a period of Leave Without Pay of longer than one week.
- (iii) Sick Leave - employees are not entitled to paid sick leave during a period of Leave Without Pay.
- (iv) Public/University holidays - employees are not entitled to receive payment for Public or University Holidays which fall within a period of Leave Without Pay.
- (v) Superannuation the University's contribution to an employee's superannuation scheme will cease during any period of Leave Without Pay. It is the employee's responsibility to make appropriate arrangements with the Trustees of the relevant superannuation scheme.
- (vi) Retirement/Long Service Leave - Leave Without Pay for a period of three months or more will not count towards service credit for retirement or long service leave.
- (vii) Salary Increments – an employee who is eligible for a salary increment and is on Leave Without Pay for more than thirty(30) days per year shall have the date of his/her next increment adjusted by the number of calendar days spent on Leave Without Pay.

(f) Resignation

An employee shall be deemed to have submitted his/her resignation on the date on which the Leave Without Pay commenced if:

- (i) The employee uses the Leave Without Pay for reasons other than those for which the leave was granted.
- (ii) The employee does not return to work at the end of the leave, unless written authorisation to extend the leave has been given or, the University accepts that the employee is prevented from returning by forces beyond the employee's control.

## **6 Legislative Compliance**

The University is required to comply with the provisions of the Holidays Act 2003 and any subsequent amendments.

[Holidays Act 2003](#)

## **7 References**

[Holidays Act 2003](#)

[Victoria University of Wellington Employment Agreements](#)

## **8 Approval Agency**

Vice Chancellor

## **9 Policy Sponsor**

Director, Human Resources

## **10 Contact Persons**

*Note: Please contact your Manager/Head of School or Human Resources Manager/Advisor if you have any questions about the application of this Policy.*

*For your entitlement to the above types of leave and to other types of leave, refer to your employment agreement*

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Updates made 19/10/20 Jackie Anderson (HR)