

# LEAVE

## Introduction

### Purpose

The purpose of this policy is to provide:

- Managers with the parameters within which they will manage leave.
- Employees with details of the conditions surrounding the granting of leave.

### Scope

This policy applies to all Auckland District Health Board employees.

### Variations

The standard entitlements referred to in this policy may be varied for specific employees or classes of employees only with the authority of the Chief Executive.

In the event of inconsistency arising between this policy and the employee's employment agreement, the specific terms of the relevant employment agreement will apply.

### Associated Documents

The table below indicates other documents associated with this process.

Type	Document Titles
Board Policies	<ul style="list-style-type: none"> <li>• <a href="#">Witnesses - Giving Evidence</a></li> <li>• <a href="#">Human Resource Principles</a></li> </ul>
Delegated Authority	<ul style="list-style-type: none"> <li>• <a href="#">Delegated Authority Register - Human Resources</a></li> </ul>
References	<ul style="list-style-type: none"> <li>• Employment Agreements (Individual or Collective)</li> <li>• Holidays Act 2003 (Annual, Sick Leave &amp; Bereavement)</li> <li>• Accident Insurance Act 1998</li> <li>• Accident Rehabilitation and Compensation Insurance Act 1992</li> <li>• Parental Leave &amp; Employment Protection Act 1987</li> <li>• Volunteers Employment Protection Act 2004 (Military Service)</li> </ul>

## LEAVE

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### General Leave Policy

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**Policy** Auckland District Health Board will comply with all statutory leave requirements.

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**Manager Responsibility** The manager has prime responsibility for:

- Monitoring and managing leave
- Ensuring leave records are accurate

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**Exercising Discretion** Where managers have the discretion to approve or decline leave of any type they must consider the following factors:

- The individual's agreement entitlements
- The individual's level of performance
- The individual's length of service
- Benefits/costs to the organisation (of the approval or denial of requested leave)
- The individual's level of need and obligation
- Other similar cases which have been approved/denied in the past (i.e. exercise a degree of consistency between employees without being restricted by precedence)

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**Employee Responsibilities** Employees are required to complete the following prior to commencing leave of any type:

- Obtain approval from their manager
- Complete appropriate leave documentation

In circumstances where it is not possible to comply with the above (e.g. emergencies, unexpected illness, etc.), the employee will:

- Contact their manager and advise their situation as soon as practicable
- Complete the required leave documentation as soon as practicable

Failure to comply with these requirements may result in disciplinary action and/or affect the employee's continuity of pay.

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# LEAVE

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## Annual Leave

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### Policy

The following policy statements apply to the provision and management of annual leave:

- For the purpose of this section the term 'leave' shall mean 'annual leave' and 'shift leave'.
  - Managers are responsible for ensuring that each employee's annual leave balance at any point in time is less than the maximum annual leave entitlement from the employees last leave year plus the annual leave accrued for the current leave year. In any event, the balance shall not be beyond a two year entitlement.
  - Employees are entitled to apply for annual leave from the current year's accrual.
  - Managers will, where possible, arrange/grant annual leave at a time mutually acceptable to both the employee and the organisation.
  - Managers will, if mutual agreement cannot be reached, direct an employee to take any leave owing from the last or earlier leave years provided at least 14 days notice is given. Employees may be required to take such leave during the Christmas/New Year period according to ADHB/Service requirements. Refusal to take such leave may result in disciplinary action and forfeiture of that leave.
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### Anticipated Annual Leave

Normally an employee will not be permitted to anticipate annual leave to which they have not yet become entitled.

A manager may grant anticipated annual leave where a specific provision exists within an employee's employment agreement. In the absence of a specific contractual entitlement, where exceptional circumstances exist a Manager may grant up to a maximum of two week's anticipated annual leave. Granting of such leave shall be conditional upon the employee entering into a written agreement to repay any outstanding value should their employment terminate before the anticipated entitlement has been eliminated.

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### Calculation

The calculation and payment of annual leave will be in accordance with the Holidays Act 2003.

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## LEAVE

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### Sick Leave

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#### Policy

If the employee is at any time prevented by personal accident or ill health from carrying out their assigned duties, the employee shall be entitled to sick leave with pay up to the limit of their current sick leave entitlement provided they are not receiving Accident Compensation payments.

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#### Entitlement

Employees shall be entitled to sick leave in accordance with their employment agreement. Where no contractual provision exists sick leave will be provided in accordance with the Holidays Act 2003.

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#### Medical Certificates

An employee may be required to supply the employer with a medical certificate in accordance with their employment agreement.

Where no contractual provision exists an employee may be required to supply the employer with a medical certificate for absences of three or more consecutive calendar days, whether or not the days would otherwise be working days for the employee.

Medical certificates may be requested for lesser periods if the employee has had more than 5 sick days for the leave year to date or if the manager has grounds to believe that the sick leave taken is not genuine. In such instances, further advice should be sought from the relevant service Human Resources Consultant.

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#### Absent on ACC

Employees absent due to injury sustained in an accident who are claiming, or intend to claim, compensation from ACC must comply with the following requirements:

<b>If accident is...</b>	<b>must comply with the requirements of...</b>
Work Related	<ul style="list-style-type: none"><li>• Auckland District Health Board's Occupational Health Service (see "Board Policy : Staff Accidents/Incidents")</li></ul>
Not Work Related	<ul style="list-style-type: none"><li>• Accident Compensation Corporation</li><li>• Auckland District Health Board policy <a href="#">Employee Responsibilities</a></li></ul>

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## LEAVE

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### Bereavement Leave

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#### Policy

Auckland District Health Board will provide bereavement leave on pay for an employee to discharge their obligations and/or to pay respects to a deceased person with whom they have had a close association.

Such obligations may exist because of blood or family ties or because of particular cultural requirements (this includes tangihanga obligations).

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#### Approval & Duration

The approval and duration of leave will be in accordance with the employee's employment agreement.

Where no contractual entitlement exists, the approval and duration of such leave will be at the discretion of the employee's manager. However if the leave is occasioned by the death of the employee's: spouse, parent, child, brother, sister, grandparent, grandchild, spouses parent or any other person as accepted by the employer, the employee is entitled to a statutory minimum of **three** days leave.

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#### Approval of Extended Leave

Paid bereavement leave in excess of three days must be approved by the General Manager.

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#### Calculation

The calculation and payment of bereavement leave will be in accordance with the Holidays Act 2003.

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## LEAVE

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### Military Service

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#### Entitlement

- Leave relating to voluntary military service will be granted as provided by the Volunteer Employment Protection Act 2004.
  - Special Provisions may exist within the employee's employment agreement.
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### Parental Leave

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#### Entitlement

- Parental leave will be granted as provided by the Parental Leave and Employment Protection Act 1987.
  - Special provisions may exist within the employee's employment agreement.
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### Jury Service & Witness Leave

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#### Entitlement - Jury Service

Leave relating to Jury Service will be granted as provided by the employee's employment agreement.

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#### Entitlement - Witness Leave

Leave required for the purpose of fulfilling witness obligations are described in the document "**Board Policy: Human Resources : Witnesses - Giving of Evidence**".

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#### Calculation

The calculation of leave with pay will be on the basis of making up the pay for what would have been ordinary working hours for the employee. The principle being that the employee does not suffer a loss of ordinary earnings by attending Jury Service or taking paid witness leave.

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## LEAVE

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### Leave Without Pay

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#### Policy

Leave without pay may be granted where a specific provision exists within the employee's employment agreement.

Where no such provision exists requests for leave without pay will be considered on a case by case basis and will normally only be granted in exceptional circumstances where the employee has exhausted annual leave, lieu and shift leave balances. The length of leave requested will determine the level of approval required.

Annual leave will not accrue during periods of leave without pay of greater than one weeks' duration. Unless otherwise specified in the employee's employment agreement leave without pay will not be included in the qualifying period for service related entitlements.

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#### Other Unpaid Absences

It should be noted that for the purpose of this policy, "leave without pay" refers only to unpaid extensions of annual leave and bereavement leave.

<b>Duration of leave without pay</b>	<b>Approval required from</b>
less than one week	Manager
greater than one week	General Manager

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## LEAVE

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### Leave to Give a Presentation / Lecture for a Charity or Other Organisation

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#### General Policy

The following policy statements apply to the provision and management of leave when invited to give a presentation or lecture for a charity or other organisation.

- In no case will Auckland District Health Board be responsible for any expenses incurred when someone takes this special leave.
  - Clinical Directors and Managers are responsible for ensuring that the request to attend is appropriate and does not compromise service delivery.
  - Such leave, where it is granted will be at a time mutually acceptable to both the employee and the organisation.
  - Leave may be with or without pay and will be considered on a case by case basis but will normally only be granted for the specific purpose of giving a presentation or lecture for charity or other organisation. The length of leave without pay requested will determine the level of approval required. (See Board Policy).
  - Individuals may use their annual or lieu leave entitlements.
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### Public Holidays

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#### Entitlement

- Leave relating to public holidays will be granted as provided by the Holidays Act 2003.
  - Special provisions may exist within the employee's employment agreement.
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#### Transferring of Public Holidays

ADHB does not allow employees to transfer the observance of a public holiday to another working day of their choice.

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## LEAVE

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### Leave Buy Out

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#### Policy

ADHB does not buy out annual leave or days that have accrued in lieu of public holidays.

ADHB will not consider any requests from employees to pay out a portion of annual holiday entitlement (s28E Holidays Amendment Act 2010).

ADHB has a framework of disciplined annual leave management to ensure our staff' wellbeing through regular period of rest and relaxation. We aim to have an engaged and high-performing, productive workforce and having a break gives our staff the opportunity to perform to the best of their ability when they are at work.