

Holidays and Leave Policy

This policy supersedes all previous versions and is valid until further notice.

Purpose

This policy sets out the types of leave available at LINZ, what the Holidays Act 2003 requires in respect of certain leave types and the role of your employment agreement in setting out your leave entitlements. It also references other related policies.

Manaaki tangata

Toitū Te Whenua (LINZ) is committed to ensuring we have a diverse and inclusive organisation and that we are an employer of choice. Manaaki Tangata is the framework we have developed to ensure that our people policies are developed with this firmly in mind.

The relevant concepts of Manaaki Tangata that are reflected in this policy are set out in the following table:

Concept	Description
Manaakitanga	This policy sets out the leave our people are eligible for and what they need to know about it. Some of the leave provisions of this policy are as set out in legislation. Some aspects of our leave policy are an enhancement on our legal obligations. Leave is an essential element of wellbeing. It is important that our people have the information they need to understand what they are entitled to and what they can expect in this complex area of their terms and conditions of employment.
Whakapiki	Aspects of our leave policy relate directly to the opportunity to build the capability of our people.
Whakapakari	Access to leave enables individuals to make the most of the development opportunities available to them. We support our people to strengthen their own capability to be successful at LINZ.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

Kotahitanga

Wellbeing is enhanced through the opportunity to take leave and this ensures a health and safe work environment where all our people feel connected and included.

In supporting capability development, we build unity and connectedness within our organisation through good faith relationships.

(Refer to Manaaki Tangata – Diversity and Inclusion at LINZ for more information on our policy and the framework we are using).

Policy

LINZ will ensure that the statutory and contractual holiday and leave entitlements which our people are or may be entitled to are administered accurately and in accordance with the Holidays Act at a minimum or in accordance with the employee's employment agreement where this offers more than the Holidays Act requires. This policy outlines how the various leave schemes operate within LINZ and some enhancements offered by LINZ on top of the legal and contractual entitlements of employees. This policy also sets out what is expected of our people and our leaders in applying for, approving and taking leave or holidays.

Who this applies to

All employees have an entitlement to leave. The entitlement will vary depending on the nature of their employment, their employment agreement and LINZ policy. Leave that applies to permanent, fixed term and casual employees is set out in this policy.

1 Policy in detail

1.1 Types of leave

The provisions relating to the following types of leave are covered in this policy:

- Annual Leave (Annual Holidays under the Act)
- Public Holidays
- Sick Leave
- Tangihanga/Bereavement Leave
- Family Violence Leave
- Refresher Leave
- Parental Leave
- Special/Discretionary Leave
- Study Related Leave

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

- Jury Service
- Witness Leave
- Extended Leave Without Pay
- Military Leave

Information on each type of leave is contained in **Appendix A** section 5.

There is an option available to our people to sacrifice salary in order to supplement the level available to them by either one week or two weeks each year. For information on this scheme, please refer to the **Guidelines for Additional Leave**.

1.2 Leave Enhancements

LINZ's meets and, in some instances, exceeds the statutory requirements related to leave and this is set out in this policy. Entitlements are also set out in the employment agreement.

2 LINZ commitments and obligations

Our leaders and LINZ are expected to:

- **Respond promptly and appropriately to all leave requests**
LINZ managers will ensure that employee leave requests are responded to promptly. Decisions will be made fairly, equitably and justifiably, and in accordance with this policy in every case. LINZ managers must ensure that all leave is entered into the HR Kiosk and approved through the HR Kiosk.
- **Maintain leave records**
LINZ will maintain accurate records of leave earned, taken and how payment has been made. LINZ will also ensure that full and accurate information about leave entitlements is available to employees and leaders. Payroll will process payments promptly.
- **Accommodate the employee's needs for leave as far as practicable and appropriate**
Wherever possible LINZ will endeavour to accommodate the employees preferred timing of leave. LINZ will endeavour to be as flexible as possible in meeting the operational needs of the organisation and the needs of the employee.

3 Employee commitments and obligations

Our people are required/need to:

- **Use their leave entitlements as intended**
Leave should be taken for genuine reasons consistent with the purpose of the leave. Employees are expected to use and not misuse or abuse their leave entitlements.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

- **Give reasonable notice of their intention to take leave**
As a matter of courtesy, employees should seek approval for leave well in advance of taking that leave. It is recognised that this will not be possible in all circumstances.
- **Ensure all of their leave is recorded in the HR Kiosk**
Leave taken must be recorded in the HR Kiosk on a timely basis.
- **Take responsibility for taking regular time away from work**
Annual leave is provided to enable rest and recreation. It is a matter of health and safety that leave is taken during each leave year. Employees should ensure they take regular holidays.
- **Ensure evidence in support of applications is promptly provided**
In some circumstances employees are expected to support their eligibility for leave entitlements with appropriate evidence. LINZ's ability to approve leave can be adversely impacted if the employee fails to provide the necessary evidence.

4 Delegated authority

Decisions under this or any policy must be made in accordance with the authority delegated by the Chief Executive. Reference should be made to the schedule of delegated Human Resources authority which is included in the links below. Care is recommended as exceeding your authority to make decisions may be considered a disciplinary matter.

Definitions

Term	Definition
Ordinary Weekly Pay (OWP)	The amount the employee receives for an ordinary working week. Section 8 of the Holidays Act sets out what is included and what is excluded from the calculation of Ordinary Weekly Pay.
Average Weekly Earnings (AWE)	Average weekly earnings for the 12-month period up to the pay period before the start date of the annual leave. AWE is defined as 1/52 of an employee's gross earnings. Section 14 of the Holidays Act sets out what is included and excluded from the calculation of gross earnings. Under the Act, other things may impact the gross earnings calculation. For example periods of leave without pay and other matters.
Relevant Daily Pay (RDP)	The amount the employee would have received had they worked that day. Section 9 of the Holidays Act sets out what is

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

included and what is excluded from the calculation of Relevant Daily Pay.

Week	A seven consecutive day period. In LINZ a pay week is from Thursday to Wednesday.
------	-----------------------------------------------------------------------------------

Useful links

We have other policies and documents that support or relate to holidays and leave:

[Guidelines for Additional leave](#)

[Study Assistance policy](#)

[Managing Incapacity policy](#)

[Absence from work due to work or non-work-related personal injury](#)

[HR Delegations](#)

Minimum leave and holiday entitlements are also outlined in New Zealand law:

[Holidays Act 2003](#)

[Parental Leave and Employment Protection Act 1987](#)

[Volunteers Employment Protection Act 1973](#)

[Employment Relations Act 2000](#)



.....

Approved 25 March 2022 as a Toitū Te Whenua Administrative Policy

Te Tumu Whakarae

Toitū Te Whenua Land Information New Zealand

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

Appendix A: Leave Policy in Detail

5 Leave Types

5.1 Annual Leave (Annual Holidays) and Holiday Pay

5.1.1 Overview

Annual holidays (Annual Leave) are a minimum statutory entitlement under the Holidays Act 2003 (the Act).

Under the Act, there are differences in the entitlement to annual leave/holiday pay for those employed on a casual basis, those employed by LINZ for a period of less than 12 months and those employed by LINZ for 12 months or more.

Your specific entitlement to Annual Leave is set out in your employment agreement and is based on what a working week looks like for you.

It is important that employees take regular annual leave to ensure that you are getting appropriate rest and recreation each year, and so that you are able to participate in significant personal events.

5.1.2 Casual Employees

The employment of casual employees commences and ends each time they are called into work for a specific period of engagement (by definition a short period). Casual employees are entitled to holiday pay for each period of engagement. Holiday pay may, if agreed in the employment agreement, be added to the hourly rate and paid each pay period. LINZ's preferred approach is to pay holiday pay at the end of each casual engagement.

Holiday pay is calculated as a set percentage (as provided in the employment agreement) of the earnings over the period of engagement.

5.1.3 Fixed Term Employees Less Than 12 Months

If employment ends before the completion of 12 months' employment with LINZ, you are not entitled to annual leave. You are instead entitled to holiday pay in respect of the period of your service with LINZ.

Holiday pay, in this case, is calculated as a set percentage (as specified in your employment agreement) of your earnings over the period of employment with LINZ. The value of any annual leave you have taken in advance will be deducted (at the rate this was paid) from the amount of holiday pay owed as at your last day of duty.

Where employment is fixed term, and if agreed in the employment agreement, holiday pay can be paid together with your regular remuneration payments, rather than in one lump sum at the conclusion of employment. However, LINZ's preferred approach is to pay holiday pay at the conclusion of the fixed term engagement.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

5.1.4 Open Term Employees Less Than 12 Months

If employment ends before the completion of 12 months' employment with LINZ, you are not entitled to annual leave. You are instead entitled to holiday pay in respect of the period of your service with LINZ.

Holiday pay, in this case, is calculated as a set percentage (based on the annual leave entitlement in your employment agreement) of your earnings over the period of employment with LINZ. The value of any annual leave you have taken in advance will be deducted (at the rate this was paid) from the amount of holiday pay owed as at your last day of duty.

5.1.5 Employees Employed for 12 Months or More

Entitled Annual Leave

Entitlement to annual leave becomes due on the completion of each 12-month period of continuous service.

Accrued Annual Leave

While the Payroll system also shows the accumulation of accrued annual leave during the leave year, there is no entitlement to this leave until the 12-month leave period is completed.

Annual Leave in Advance

Regardless of this, LINZ allows for annual leave to be taken in advance of it becoming an entitlement.

Rate Paid During Annual Leave

Annual leave days and entitlement is calculated, administered and paid in accordance with the Holidays Act. This provides that payment for days of annual leave will usually be the higher of your ordinary weekly pay at the time the holiday is taken, or your average weekly earnings over the 12-month period immediately preceding this.

Annual Leave Earned Over Parental Leave

The exception to this is the annual leave entitlement earned during or within 12 months of a return from parental leave. The Act provides that this is paid at average weekly earnings only. However, as a matter of policy, LINZ has elected to pay the annual leave entitlement earned over parental at the greater of ordinary weekly pay and average weekly earnings as an enhancement on the legal requirement in respect of people returning to work following a period of parental leave.

Payment when Employment Ends

Untaken entitlement to annual leave is paid out on termination of employment. It is paid at the higher of your ordinary weekly pay at the time employment ends, or your average weekly earnings over the 12-month period immediately preceding this. Any public holidays falling during the period on annual leave entitlement after the last day of duty are payable at relevant daily pay.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

In respect of a part year of service from the leave anniversary date to the last day of pay, the employee is entitled to holiday pay which is calculated as a set percentage (equivalent to the annual leave entitlement) of your earnings over the period since your last annual leave anniversary date. The value of any annual leave you have taken in advance will be deducted (at the rate that was paid) from the amount of holiday pay owed as at your last day of duty. The value of the untaken entitlement to annual leave paid at the end of your employment is included in the earnings for the calculation of holiday pay. There may also be other payments that are included in earnings for the calculation of holiday pay (for example, retiring leave).

5.1.6 Taking annual leave

Application for a period of leave must be submitted through the HR Kiosk in advance of the leave being taken. It will be up to the manager to approve your request for annual leave. LINZ will endeavour to accommodate, so far as possible, your preferred timing for annual leave but may decline your leave request if for business reasons it cannot be accommodated at the time sought. You should not assume that your request can or will be automatically granted.

Leaders will consider each application fairly but will need to balance the request against work requirements, the leave plans of others and other factors that may be relevant.

Travel and accommodation bookings should not be made ahead of approval. You will not be compensated for any loss if you do so, if your holiday application is not approved.

LINZ expects annual leave to be taken and not accumulated. If you do not take your annual leave on a timely basis, LINZ may direct you to take some or all of your annual leave entitlement. This may only occur following consultation with you, and if agreement to take the annual leave cannot be reached. Reasonable notice will be provided, and this will be not less than 14 days' written notice.

5.1.7 Calculating leave entitlement on work pattern

Your annual leave entitlement is expressed in weeks and may be taken in weeks or in proportions of a week. The minimum proportion of a week that you may take leave is the equivalent of a half day.

Your annual leave entitlement reflects your working pattern and is paid at the higher of your ordinary weekly pay at the time leave is taken, or your average weekly earnings over the 12-month period immediately preceding this.

This means that the amount of time off on annual leave you can take is the same as the time you would have worked over the entitlement.

- On a 4.6 week annual leave entitlement if you would normally work 5 part time days per week, you can take the equivalent of 4.6 weeks off on annual leave to correspond to your part time work day pattern (23 part time days in total).
- Similarly, on an annual leave entitlement of 5 weeks and you work full time hours over 4 days per week, you can take the equivalent of 5 weeks off on annual leave to correspond to your work day pattern (20 days in total).

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

If you work a different number of hours each day per week, then your annual leave entitlement will be more complex and calculated in hours. When a day off is taken, the number of hours deducted from your annual leave balance will correspond to the hours you are paid for that particular day.

5.1.8 Changing hours of work

The Holidays Act provides for employees to be given weeks of annual leave each year and for that annual leave to be paid at the higher of ordinary weekly pay or average weekly earnings. The Act does not, therefore, provide for days of annual leave each year and this means that employers must deal with annual leave as whole weeks or a proportion of a week. In many instances a proportion of a week will be a day/half day, but this will not be so straight forward in all circumstances.

Most payroll systems calculate leave in days/hours. Because of this, two things must occur when an employee changes their hours of work:

- The rate of entitlement to annual leave must be adjusted going forward.
- The annual leave balance at the date of the change in hours of work must also be adjusted so it represents the same number of weeks of leave before and after the change.

An example to illustrate this is set out below.

- The employee commences work with LINZ fulltime over 5 days a week on 1 July 2018. Their pay rate is \$70,000 per annum. They do not take any annual leave in their first year of employment.
- On 1 July 2019 the employee becomes entitled to their first 4.6 week allocation of annual leave. On this date, 4.6 weeks of annual amounts to 23 days of annual leave or 184 hours of annual leave.
- On 2 July 2019 the employee changes their hours of work to 3 days per week, 5 hours per day.
- The employee decides to take all their annual leave entitlement from 3 July 2019. All their annual leave is 4.6 weeks which is paid on Average Weekly Earnings. This is because the Ordinary Weekly Pay has gone down from \$1,342.46 to \$503.46. Average weekly earnings is closer to \$1,342.46 as it relates to the 12 month period immediately before the leave is taken.
- If the annual leave entitlement is unadjusted from 184 hours, it would represent 12¼ weeks of leave at Average Weekly Earnings of \$1,342.46, a total cost of \$16,445.14.
- In this circumstance, the employee is entitled to only 4.6 weeks of annual leave. As the hours of work are 15 per week now, 4.6 weeks of annual leave is 69 hours. Average weekly earnings at close to \$1,342.46 is a total cost of \$6,175.32

When an employee reduces their hours/days of work their leave entitlement in hours/days will reduce and so will their annual leave balance. In this scenario, the longer the employee holds

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

onto their annual leave balance, the less it will be worth as Average Weekly Earnings will reduce over time.

When an employee increases their hours/days of work their leave entitlement will increase and so will their annual leave balance. In this situation, Ordinary Weekly Pay will be greater than Average Weekly Earnings so the value of the leave will not be impacted by delays in taking it.

5.1.9 Recognition of previous service

If previous service in the public service is recognised for annual leave purposes, this will impact when the employee qualifies for the higher leave entitlement provided in their employment agreement. The increase in annual leave entitlement will occur from the beginning of the leave year in which the qualifying period is completed. Recognition of previous service does not change the leave anniversary date that each annual leave entitlement becomes due.

For previous service in the public service to be recognised, it must have ended within 5 years of joining LINZ.

5.1.10 Bereavement during Annual Leave

If an employee is entitled to bereavement leave and the bereavement occurs during a period of annual leave, the annual leave will be replaced by bereavement leave. The employee will need to submit the change in leave through the HR Kiosk.

5.1.11 Sickness during Annual Leave

In the event you are ill or injured while on annual leave, you can apply to replace the annual leave over the period of illness with sick leave. Your manager will make the final decision on this on application (and may require supporting evidence from you before a decision can be made).

5.1.12 Service continuity for annual leave entitlement

In the event you are ill or injured while on annual leave, you can apply to replace the annual leave over the period of illness with sick leave. Your manager will make the final decision on this on application (and may require supporting evidence from you before a decision can be made).

5.2 Public holidays

5.2.1 Entitlement to public holidays

Public holidays are a minimum statutory entitlement under the Act and are paid and administered in accordance with it.

There are 12 public holidays in each calendar year. Employees are only entitled to a paid day off for a public holiday if the public holiday is observed on a day that would otherwise have been a working day for the employee concerned. Payment is at Relevant Daily Pay as specified in the Act.

An employee will be entitled to a paid public holiday that falls during a period of agreed annual leave provided it is observed on an 'otherwise working day' for that employee. An employee

will not be entitled to payment for a Public holiday that falls during unpaid leave (unless it is sick leave without pay, unpaid leave due to personal injury, or leave without pay of less than one month) or it falls on a day that would not have otherwise been a working day.

5.2.2 Working on a public holiday

On some occasions, an employee may be asked to work on a public holiday (as provided for in our employment agreements). LINZ will try hard to avoid this unless it is absolutely necessary.

If you are authorised to work on a public holiday, you will be paid for the time worked at the rate of Time 1½ of your hourly pay rate (unless there is a contractual provision that enhances this), and you will also be granted an alternative holiday that you can take on another day with our agreement. Payment for the hours worked on a public holiday plus an alternate holiday are instead of and not additional to payment for the day.

Casual employees do not have an 'otherwise working day' and cannot be required to work on a public holiday. If they agree to work on a public holiday, they will be paid the rate set out in their employment agreement, and they will not qualify for an alternate holiday.

An employee can ask to substitute some or all of the specific public holidays set out in the Act for other days of personal, religious or cultural significance. LINZ will consider any such request fairly and carefully in making a decision. Substitution will not be possible in respect of the public holidays that fall over the Christmas/New Year period because LINZ closes down during this period.

5.3 Alternate Holidays

5.3.1 Entitlement to alternate holiday

Entitlement to an alternate holiday arises when a public holiday falls on a normal working day for the employee and they are required to work some or all of the public holiday.

An employee may be entitled to an alternate holiday if on call on a Public Holiday and the nature of the restrictions imposed by being on call are such that the employee has not had the public holiday that they were entitled to.

The entitlement to an alternate holiday remains in force until that day is taken as paid leave or until it is paid out as provided for by the Holidays Act 2003.

The date an alternate holiday is taken must be agreed between LINZ and the employee. If LINZ and the employee cannot agree, LINZ may, on a reasonable basis, determine the date the alternate holiday is to be taken provided 14 days' notice is given.

Alternate holidays when taken as a day of paid leave are paid at relevant daily pay.

5.3.2 Requesting payment for an alternate holiday

An employee may request payment for an alternate holiday only after 12 months have passed since becoming entitled to the alternate holiday. If LINZ agrees to payment for the alternate

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

holiday, the rate of payment in exchange for the alternate holiday will be as agreed between LINZ and the employee.

It is, however, our expectation that alternate holidays will be taken on a timely basis and certainly well within a 12 month period.

5.4 Sick leave

The Act provides for minimum entitlements to sick leave, which are paid and administered in accordance with it.

Each employee's annual entitlement to sick leave is set out in your employment agreement. Sick leave can be used for your own illness or injury, or where your partner's illness or injury, or that of another member of your family or household, means that you need to attend to them.

Untaken sick leave can accumulate to a maximum of 130 days for your potential use in the event of illness or injury. Untaken sick leave will not be paid out on termination of employment.

In some circumstances, medical certificates will need to be provided (including from a medical practitioner of our choice) or payment/approval of sick leave may be affected.

Up to five days of sick leave can be anticipated ahead of entitlement with approval. If there are concerns regarding absence levels, approval may not be given.

You are personally responsible for contacting your manager as soon as you can, and as a priority, where you will be away from work due to illness or injury. You are also responsible for updating your manager on the expected absence and if it is to continue for longer than expected.

5.4.1 ACC-supported absences

If your absence is being supported by weekly ACC payments, please refer to the policy "Absence from work due to a work or non-work-related personal injury" for more information.

5.4.2 Long-term incapacity

If an employee is suffering from long-term illness, LINZ may, at our discretion, provide additional paid leave if the sick leave entitlement is exhausted.

Neither the fact that sick leave entitlements remain, nor that additional paid leave has been provided, will prevent LINZ from terminating employment by reason of incapacity if LINZ establishes that the ongoing absence of an employee can no longer be accommodated in all the circumstances. See our "Managing incapacity" policy for further information.

5.5 Tangihanga/bereavement leave

The Act provides for minimum bereavement-related entitlements:

- up to three days of paid leave on the death of a close relative (defined as a parent, child, partner, partner's parent, grandparent, grandchild or sibling).

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

- up to one day of paid leave on the death of any other person (who doesn't need to be blood-related) where a close association can be demonstrated.

Payment and administration is in accordance with the Act, and evidence may be required to support a claim for tangihanga/bereavement leave before it can be approved.

You are personally responsible for contacting your manager as soon as you can, and as a priority, where you will be away from work due to bereavement. You are also responsible for updating your leader in the event your absence is to continue for longer than expected or authorised.

LINZ will make any decisions about bereavement leave requested as quickly as we can, taking into account travel requirements, and the time needed to discharge responsibilities for arrangements and ceremonies relating to the particular death.

Where more time away is required, LINZ will work with you to identify and agree to you taking other leave or holiday entitlements, which might include annual leave, untaken alternative holidays or refresher leave, or unpaid leave.

5.6 Family violence leave

If you are a person affected by family violence and have been subjected to family violence at any time in the past or you are currently being subjected to it, or you live with a child who has been subjected to or is being subjected to it, you are eligible under the Holidays Act 2003 for up to 10 days of paid family violence leave per year if you have been in continuous employment with LINZ for 6 months.

While the Act requires an employee to have completed 6 months' continuous service to qualify for family violence leave, LINZ may allow our people to take up to 5 days Family Violence Leave in the first 6 months of service without deduction from their annual entitlement.

Leave can be taken to assist in dealing with the effects of family violence, which could include:

- seeking refuge or accommodation or moving into alternative accommodation.
- attending court fixtures or seeking legal advice.
- attending to children or domestic arrangements.
- attending hospital, counselling or doctor's appointments.
- attending appointments with the Police, Victim Support or other supporting agencies.
- personal recovery and recuperation or that of someone with whom you are in a close relationship.

Family violence leave does not accrue and cannot be carried forward. It is paid in accordance with the Act (relevant daily pay).

If you are already taking annual leave, sick leave or bereavement leave, LINZ at its discretion, may agree to this leave being converted to family violence leave on your request.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

If your absence is being supported by weekly ACC payments, family violence leave entitlements will not apply, but LINZ can agree that one day of family violence leave per week can be used to top up your ACC payments to ordinary pay until the entitlement is exhausted.

You can apply for family violence leave directly to your manager and you will need to do so as early as practicable on each day you will be absent, unless alternative arrangements are agreed. LINZ will record any period of leave that is taken for this reason as "paid special leave" to maintain your privacy.

You may need to provide LINZ with evidence to support any application for family violence leave. LINZ will be as sensitive as possible in asking you to do so, and any evidence you do provide will be kept confidential to the manager who authorises the leave and Human Resources.

Requests for short-term flexible working arrangements can be made and will be considered by your manager.

5.7 Refresher leave

Refresher leave is a contractual entitlement contained in the LINZ-PSA collective employment agreement. This leave recognises your time with LINZ by granting one week of paid refresher leave on completion of each 5-year period of continuous service.

Leave must be taken in one continuous block, and before your next entitlement to refresher leave arises unless written agreement to extend the time to take the leave is provided by a manager with authority to agree this. If refresher leave is not taken in accordance with this policy, it will be forfeited (including situations in which your employment ends and the leave has not been taken).

If you want to apply for leave to be carried over and used in combination with other entitlements, you will need to provide details to your manager of when and how you want to use the refresher leave and submit a leave application for this. Please note:

- Once approved, you will be required to take the refresher leave as planned even if your broader plans change.
- You should note that the circumstances in which approval will be given to extend the timeframe for taking refresher leave will be rare.

Leave is paid at your standard weekly rate at the time leave is taken. (If the employee works different hours on alternate weeks, the standard weekly rate is a standard fortnight divided by two).

5.8 Parental leave

Parental leave entitlements are provided under the Parental Leave and Employment Protection Act 1987 (the PLEP Act), with additional entitlements provided within employment agreements.

5.8.1 Parental leave entitlements

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

Eligibility for parental leave is assessed using the PLEP Act's eligibility tests. All entitlements are potentially available where your service at the expected date of delivery or assumption of care is one year or more. More limited entitlements are available to those with less than one year's service:

- Biological mothers and primary carers are entitled to 26 weeks of unpaid primary carer leave
- Pregnant mothers are entitled to 10 days' unpaid special leave for pregnancy-related reasons
- Partners of primary carers are entitled to two weeks of unpaid partner's leave where service is one year or more, or to one week where service is less than one year
- Primary carers and partners can share up to 52 weeks of unpaid extended leave (less any primary carer leave taken) where service is one year or more, and up to 26 weeks (less any primary carer leave taken) where service is less than one year.

5.8.2 Notice requirements if you're entitled to parental leave

Employees will need to give at least one month's notice in writing of your intention to take parental leave and provide either a certificate certifying the expected date of delivery, or evidence confirming the expected date on which you will assume the care of a child under the age of 6.

LINZ will respond to your application for parental leave as soon as possible and within 21 days. This will include providing you with information about your rights and obligations.

You will also need to give at least one month's notice of your intention or wish to return early from parental leave, or to confirm your intention to return to work on a specific date at the expiry of your parental leave.

LINZ's agreement is required before any earlier-than-planned return to work can occur. Each request to return to work early will be considered fairly and on a case-by-case basis. LINZ will endeavour to accommodate requests for an early return to work wherever possible.

In some circumstances, you are entitled to return early and should advise your manager as soon as possible. Reference should be made to the PLEP Act which sets out these circumstances.

5.8.3 Negotiated carer leave (not entitled to parental leave)

If you are not entitled to primary carer leave but you would otherwise be eligible for statutory parental leave payments, you can request negotiated carer leave. You will need to do so in writing:

- at least three months in advance of the expected delivery date
- at least 14 days in advance of the date on which you are due to assume primary care of a child under the age of 6.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

Your request will need to confirm that you intend to become the child's primary carer, and that you would be eligible for statutory parental leave payments if your request were to be accepted.

You will also need to explain what workplace arrangements might need to change, in your view, if your request were to be approved. This might include others covering your absence, or your responsibilities being shared amongst your colleagues.

LINZ will respond to any request as soon as practicable, but within one month, outlining whether your request is approved and if not, why. Any refusal can only be for reasons that are set out in section 30E of the PLEP Act.

5.8.4 Employment protection and flexible work requests

Where parental leave is granted, your employment with LINZ (and service continuity) is protected as follows, except in the case of redundancy arising from change impacting your role during your absence:

- You will resume your role at the end of your parental leave; or
- Your employment will resume in a similar position (at an equivalent salary and grading, in the same location or one that is within reasonable commuting distance, and with broadly comparable responsibilities).

In rare cases, LINZ may be unable to keep your role open during parental leave because of its key nature. If that is the case, we will give you more information about what that means for you and consult you about the available options. Your employment agreement has further information about this possibility.

In the event the role you hold may be impacted by change while you're on parental leave, we will ensure that you are consulted about this before any decisions are made.

The role we are required to hold open is your substantive role. You are entitled to request flexible working hours on or prior to your return (refer to flexible work policy). While we will endeavour to accommodate your request, it is possible that a request may not be able to be accommodated.

Your time away on parental leave will normally have an impact on any annual leave you become entitled to during your leave, or within 12 months of your return. The Holidays Act provides that an employee will still receive their usual annual leave entitlement, but that it will only be paid at average weekly earnings over the immediately preceding 12 months, and won't be compared to your ordinary weekly pay at the time the leave is taken. LINZ's policy is, however, to pay ordinary weekly pay.

5.8.5 Statutory parental leave payments

Statutory payments are available on application to IRD, and if you meet the relevant eligibility test under the PLEP Act, which requires you to have been employed (either by LINZ, or by multiple employers) for at least 26 of the 52 weeks preceding the expected date of delivery or assumption of care.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

It is your responsibility to apply for the payments, and in doing so, you will need to provide the application form to LINZ as one section requires LINZ as your current employer to provide specified information.

The statutory payments are the higher of your ordinary weekly pay, your average weekly earnings or the maximum payment set by the PLEP Act at the given time.

Payments are made for up to 26 weeks, but are only made while you are on parental leave and will cease if you return to work before the end of the potential payment period.

Additional payments apply where a baby is born pre-term.

5.8.6 Parental leave top up payment

If you are entitled to parental leave and to statutory parental leave payments, LINZ will support you further by 'topping up' the statutory payment to the value of your base pay for a maximum of 18 weeks. Payments will stop if you return to work before 18 weeks.

Your base pay is the amount you were receiving at the point you commenced parental leave and takes into account your hours of work before the commencement of leave, even if the hours of work were reduced by agreement. If your hours were reduced for only a short period of time, then you are entitled to make a submission through your manager to ask LINZ to consider whether the payment should be based on your original hours of work.

In the event both you and your partner are employed within the public sector and your partner is also entitled to some form of additional payment like this or an ex-gratia payment, you will need to choose which of you will receive additional payment. This does not apply where your partner is employed within the private sector.

5.8.7 Keeping in touch (KIT) days

If you are on parental leave, you can agree with your leader that you will perform paid KIT work from time to time (for example, to attend a team planning day or to complete a work task of some sort).

KIT days will not amount to a return to work as long as:

- you only perform a total of 64 KIT hours or less during your parental leave period;
- no work at all is performed within the first 28 days after your child is born or comes into your care.

The PLEP Act provides that if you perform more than 64 hours KIT hours or you work within the first 28 days, you will be considered to be back at work, and your parental leave payments must cease.

All KIT hours must be approved jointly and in writing by your leader and the Human Resources team before they are worked.

If you are receiving additional preterm baby payments, additional KIT hours can be worked.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

5.9 Special leave

LINZ may provide an employee with paid or unpaid special leave at our sole discretion. A number of factors will be considered by LINZ in exercising this discretion. Normally LINZ would expect other leave entitlements to have been exhausted first. The reason and need for the employee to take time off work is clearly established. In determining whether the special leave should be without pay or on pay, LINZ will take account of the attendance record of the employee; their service; their performance and commitment to LINZ over that service; and any relevant compassionate grounds.

LINZ will consider each case separately, and we will outline any associated terms and obligations in writing where special leave is approved.

LINZ will not normally approve special leave if you have other leave entitlements (including annual leave, alternative holidays, sick leave, time off in lieu).

5.10 Study leave

5.10.1 Where study assistance has been approved

Where an application for study assistance has been approved (see our Study assistance policy for more information), reasonable paid leave may be granted to enable you to attend seminars, lectures, tutorials, undertake research projects or extramural study. Where an employee works part time or flexibly, LINZ will take this into account when considering if or how much paid study leave will be granted.

Paid examination leave may also be granted. Generally, leave will depend on the timing of the examination. If it is in the morning, then leave for the morning will be granted. If it is in the afternoon, a day's leave will be granted, and if it's in the evening, leave for the afternoon will be granted.

You will need to outline any leave requirements in your application for study assistance, but you will also be required to update your manager promptly about any changes or additional needs as your course of study progresses.

As much notice as possible will be required as all leave requests are dependent on the impact they will have on your workload, and on the team's workload.

5.10.2 In all other cases

There is no entitlement to study or examination leave where your course or programme is not financially supported by LINZ.

Where you are supported by a LINZ scholarship, leave arrangements are provided in accordance with the particular scholarship you have been awarded.

LINZ may agree to unpaid leave, or you can apply to use annual holidays or alternative holidays for study and examination purposes.

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

5.11 Jury leave

LINZ supports our employees in exercising their civic duty to undertake jury service by granting you paid leave to attend Court for jury service.

If you are selected to serve on a jury, you will need to reimburse LINZ for the value of any juror's fees you are paid by the Ministry of Justice. Travel expenses paid to you by the Ministry of Justice may be retained.

You should let your manager know as far in advance as you are able of your jury service summons, and we may ask for a copy of the summons or other suitable evidence to support your leave application.

Leave required for jury service should be entered via the HR Kiosk.

5.12 Witness leave

If you are required to act as a witness in legal proceedings, LINZ will consider whether leave will be granted for this purpose and if so, the amount of time off that is considered appropriate and whether this will be on pay or without pay. If there is a contractual entitlement to paid witness leave then time served as a witness will be on pay when in circumstances where you are obliged to attend.

You are free to take annual leave to act as a witness in legal proceedings.

You will need to let your manager know as far in advance as you are able of your witness summons.

5.13 Extended leave without pay

At its sole discretion, LINZ may agree to a period of extended leave without pay of up to 12 months. Where extended leave without pay of more than one calendar month is granted, the employee's position will not be held open for them and there will be no guarantee they can return to duty with LINZ at the end of the period of leave without pay. If LINZ is unable to offer a placement on the expiry of the leave without pay, the employee agrees to resign from their employment with LINZ as a condition of the leave without pay.

LINZ will consider the reasons for the request for leave without pay and will take into account LINZ ability to agree to leave; the attendance record of the employee; their service; their performance and commitment to LINZ over that service; and any relevant compassionate grounds.

In circumstances where an employee is granted leave without pay, they must take their annual leave entitlement (and be paid for this) before leave without pay commences. No payment will be made for accrued annual leave in respect of the part year since the employee's last anniversary date.

Leave without pay interrupts but does not break service for the purposes of service-based leave entitlements (except for annual leave which is dealt with below). This means that all periods of

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

extended leave without pay do not count as service towards the service-based leave entitlement.

In relation to annual leave, LINZ will allow up to four weeks of continuous leave without pay in any leave year without adjustment to continuous service which impacts on the leave anniversary date following the employee's return to active duty. For example, if an employee has 20 weeks of extended leave without pay, following their return to duty, the annual leave anniversary date will be moved out by 16 weeks.

If an employee resigns from employment with LINZ at the conclusion of their extended leave without pay, or following their return to duty but before their next annual leave anniversary date, they will be paid the appropriate percentage (according to their employment agreement) of their gross earnings since their last leave anniversary date through to the resignation date.

5.14 Employment Relations Education Leave

For the purpose of increasing knowledge about employment relations to improve relations between unions, employees and employer, the union is entitled to allocate Employment Relations Education Leave (EREL) to eligible employees each year (commencing 1 March).

The union is able to allocate a maximum number of days which is calculated in accordance with section 74 of the Employment Relations Act 2000. That is 35 days plus 5 days for every 100 FTE union members (or proportion of 100) over 280.

The union must notify LINZ of the maximum number of eligible EREL days for the year within one month after 1 March. The union may not allocate EREL until this is done. If the union fails to do this, the maximum number of eligible EREL days is reduced by 1/12th for each month until this is done.

The union must also notify LINZ that they are allocating EREL to an employee and the number of days they are allocating.

An eligible employee is a union member. The maximum number of days that can be allocated to any one union member is 5 days.

Allocating EREL days to an employee does not entitle the eligible employee to take the leave. The eligible employee must advise LINZ in their intention to take the leave, the dates they intend taking the leave and the details of the employment relations education to be undertaken.

The employment relations education must be approved under section 72 of the Employment Relations Act 2000 in order to qualify for EREL.

LINZ can decline the eligible employee's application for EREL if the planned leave unreasonably disrupts our operations.

An employee on EREL will be paid relevant daily pay (unless they are on ACC)

Holidays and Leave Policy

Effective Date: 25 March 2022

Policy Owner: Head of People

Toitū Te Whenua Land Information New Zealand © Crown Copyright

5.15 Military leave

LINZ supports our employees who are undertaking protected voluntary military training or service as a reservist in our Armed Forces (Army, Navy or Air Force). Entitlements are set out in the Volunteers Employment Protection Act 1973. Enhancements offered by LINZ are set out in this policy.

LINZ will keep your role open for you during any period of protected service, and your employment remains continuous for all service-related benefits.

You will need to apply for leave at least 14 days in advance and provide evidence of your call-up for training or service from the relevant Service. Without this evidence, our ability to protect your employment may be compromised.

Applications need to be made in writing to your manager.

Protected service refers to the following and includes travel and service-related absence due to illness or injury:

- full time service up to a total of twelve weeks in any training year (1 July -30 June)
- part time service to a total of four weeks in any training year.

5.15.1 Service in war, states of emergency or periods of national interest

Separate entitlements and obligations arise where war or a local or national state of emergency is declared under the Defence Act 1990 or the Civil Defence Emergency Management Act 2002, or where special service is to be undertaken under the Defence Act.

Where these situations arise, contact the Human Resources team for more information.