



5 May 2023



Ref: OIA-2022/23-0861

Dear 

Official Information Act request relating to DPMC's long service leave provision

Thank you for your Official Information Act 1982 (the Act) request received on 28 April 2023. You requested:

Please can you confirm your leave policy on Long Service Leave remains the same as this OIA information released in 2019 (para 56-67). <https://www.dPMC.govt.nz/sites/default/files/2019-10/dPMC-roiar-oia-2019-20-0051-employee-leave-entitlements.pdf>

Please can you provide the standard wording / clause used in Employment Agreements relating to Long Service Leave provision.

Information being released

The Department of Prime Minister and Cabinet's (DPMC) leave policy was updated in October 2021 and now includes provisions for the National Emergency Management Agency (NEMA), which was established in December 2019.

Please find a copy of the latest policy attached, which is being provided to you in full.

The standard wording used in employment agreements for long service leave is enclosed at the end of this response as **Appendix A**.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Chris Gianos
Head of Operations and Risk

Appendix A - Wording in employment agreements regarding long service leave

5.8 Long Service Leave

Subject to the provisions below, you are entitled to the following long service leave:

- After 10 years of continuous service within the Public Service or any Non-Public Service departments, you will receive two weeks of long service leave.
- After 15 years of continuous service within the Public Service or any Non-Public Service departments, you will receive one week of long service leave.
- After 20 years of continuous service within the Public Service or any Non-Public Service departments, you will receive one week of long service leave.

Long service leave must be taken within five years of you becoming entitled to it. In the event long service leave is not taken within that period, you will lose that entitlement to long service leave.

You should make arrangements with your manager to take long service leave at least one month in advance of you taking the leave, to ensure your work can be adequately covered during your absence. Your manager's agreement to you taking a period of long service leave will not be unreasonably withheld.

Long Service Leave will be paid at the rate of "ordinary weekly pay" (as that term is defined in the Holidays Act 2003).

Any long service leave entitlement owing to you when your employment with the DPMC ends will be paid out in your final pay.

If you have taken and/or been paid for any long service leave in your employment in the Public Service or any Non-Public Service department prior to your employment with the DPMC and you subsequently qualify for long service leave in accordance with this clause, the DPMC will make a pro rata reduction to the long service leave to which you would otherwise be entitled in accordance with this clause.

"Public Service" has the same meaning as in the Public Service Act 2020.

The "Non-Public Service departments" are: New Zealand Defence Force; New Zealand Police; Parliamentary Counsel Office; Office of the Clerk of the House of Representatives; and Parliamentary Service.



Leave Policy

i-Manage reference	4447066	Date originally approved	1/07/2017
i-Manage version	Version Number	Contact	Margaret Cassie, HR Manager
Approved by	Executive Director, Strategy, Governance and Engagement	Name	Clare Ward
		Signature	<i>Clare Ward</i>
Date amended version approved	8/10/2021	Date for review	29/09/2023

Objective

1. This policy sets out the Department of the Prime Minister and Cabinet (DPMC) and the National Emergency Agency's (NEMA) approach to leave. Leave is a key component of creating a healthy, positive and safe workplace.

Principles

2. The principles that underpin this policy and give effect to it are:
 - Transparency - we will have leave processes that are clear and understandable
 - Fairness - we all have the same access to leave and opportunities for leave are consistently applied
 - Inclusivity - we will work to understand and support the diverse the needs of our employees
 - Responsibility – we will meet our legal obligations

Policy Statement

3. DPMC and NEMA:
 - a) offer a range of leave options to support employee wellbeing and to enable them to balance their personal and professional lives.
 - b) encourage and support employees to take leave as needed to support their wellbeing and the efficient operation of DPMC and NEMA.
 - c) meet their legal obligations both in terms of good employer duty to consider leave requests and in meeting other relevant obligations such as health, safety and wellbeing.

Applies to

4. This policy applies to everyone in DPMC and NEMA, including permanent, fixed-term, casual and agency temporary staff (together referred to in this policy as 'employees'), regardless of position or seniority.
5. The policy does not apply to:
 - a) staff seconded to DPMC and NEMA from other agencies who are covered by their home agency's leave policies.
 - b) self-employed or independent contractors. However, under the Health and Safety at Work Act 2015 we have obligations to all workers, regardless of their employment status. In the interests of positive and safe working environments, contractors should be able to take breaks and ensure their wellbeing. People leaders may refer to the policy guidelines on applying these principles to contractors.

Types of leave offered

6. The types of leave offered by DPMC and NEMA are listed in the table below. You can find more detail about each leave type and how to access it) in the [Guide to how Leave works around here](#).

Type of leave	Definition
Annual leave	Annual leave is essential to your welfare. You should plan for your leave, get it approved, and take it on a regular basis to promote health and work-life balance. We are flexible and allow you to anticipate you leave and cash some of it in.
Sick leave	DPMC and NEMA encourage employees to take leave to rest and recover when illness or injury means they are unable to perform their work duties. Entitlements at DPMC and NEMA are set out in your employment agreement; please use these if you are ill, or dependents require your care, to ensure you maintain your and others wellbeing.
Bereavement/ Tangihanga Leave	Available, as appropriate, to enable you to meet obligations and/or to pay respects to a deceased person with whom you have had close association.
Parental and Partner leave	We offer Parental and Partner Leave to support you going on, during and returning from parental leave. These and the other supports including ex gratia payment and enhanced annual leave are set out in the Guide to how Parental Leave works around here . DPMC and NEMA recognise and support the different experiences and processes that create whānau/family, for example whangai and adoption.
Departmental holidays	This leave is granted in addition to employees' annual leave entitlements (at a time determined by the Executive Leadership Team at Christmas and New Year). It does not apply to permanent employees whose employment agreement entitles them to leave entitlements of more than 20 days per year.
Family violence leave	Available to assist employees affected by family violence. See the Family Violence Support Policy for further details.

Type of leave	Definition
Leave without pay	This leave acknowledges that employees may need additional time away to support life changes or other activities.
Long service leave	DPMC and NEMA recognise the commitment and contribution of long serving public servants. Additional leave entitlements are provided to those employees who have made lengthy contributions to DPMC, NEMA, and the wider public sector.
Public Holidays	Available in addition to your annual leave entitlements. Public Holidays are taken (the norm), can be worked on (in limited situations) or transferred to another day (where agreed), all in accordance with the Holidays Act.
Special leave	May be available to employees where the circumstances are not covered by another leave type (e.g. graduation), an employee has exhausted their entitlement (e.g. sick) or taking on the care of dependents. Special leave may be paid or unpaid and is granted at DPMC and NEMA's discretion.
Jury service and witness leave	This leave is provided to support you to fulfil your civic obligations by when you are summoned for jury service or to be a witness, in an official or private capacity
Armed forces training or Active service leave	Provided to support military training and service.
Study leave	DPMC and NEMA support employee development and learning with Study Leave. More detail about this leave is covered in the People Development Policy .
Staff union delegate leave	Available to support delegates when union training is required.
Resigning or retiring leave	Some long serving employees will have Resigning or Retiring Leave as a condition in their employment agreement. See Appendix 3 of the Guide to how Leave works around here .

Responsibilities

Role	Responsibilities
People leaders	<ul style="list-style-type: none"> • have a good understanding of the leave available to employees • ensure that their staff have sufficient opportunity to take all their annual leave • work with employees to manage leave balances and to ensure that the employee's wellbeing is considered as part of leave management • approve leave • ensure leave is accurately recorded throughout the year • understand the leave delegations
Employees	<ul style="list-style-type: none"> • be aware of their leave entitlements • manage their leave throughout the year in conjunction with their people leader and their team • follow the correct process and procedure when applying for or taking leave.
Human Resources	<ul style="list-style-type: none"> • assist managers and employees in implementing this policy • regularly review to ensure policy continues to meet employee's needs • provide support/advice to employees and people leaders

Related policies, guidance and information (links to be updated)

7. Other documents that should be read in conjunction with this policy

- [Guide to how Leave works around here](#)
- [Holidays Act 2003](#) (and Holidays Amendment Act 2008 and 2010 and 2016)
- [Public Services Act 2020](#)
- [Employment Relations Act 2000](#)
- [Parental Leave and Employment Protection Act 1987](#)
- [Health and Safety at Work Act 2015](#)
- [Flexible working by default policy and guideline](#)
- [Wellbeing Policy](#)
- [Employment NZ Parental Leave guidance](#)
- [Guide to how Parental Leave works around here including Parental Leave Ex Gratia Payment](#)
- [Family Violence Support Policy](#)

Released under the Official Information Act 1982