# Operational Policy: Teaching Staff Leave (NAG 3)

## Blind & Low Vision Education Network NZ

## Statement of Intent:

To provide consistency when dealing with staff leave applications and ensure such leave complies with the relevant employment agreements and the Holidays Act 2003 and any amendments.

Leave covered in this policy includes discretionary leave with pay, discretionary leave without pay, study leave, parental leave, medical leave, unpaid refreshment leave, paid sabbatical leave and time in lieu.

In accordance with the (PTCA) Primary Teachers (including Deputy and Assistant Principals and other Unit Holders) Collective Agreement (2.10.6), teachers will take their annual leave outside gazetted term dates.

## Delegated Authority:

* All approvals for leave will be consistent with relevant employment agreements and the Holidays Act 2003 and any amendments.
* Leave for the principal will be approved by the Board of Trustees.
* Leave for managers and other staff reporting directly to the principal will be approved by the principal.
* In the case of discretionary leave with or without pay, senior staff as delegated may approve up to and including 2 days, Senior Managers up to and including 5 days and the Principal six days and over after consultation with the appropriate manager.
* Study leave, unpaid refreshment leave and paid sabbatical leave must be approved by the Principal.

## Policy Requirements:

1. All applications for leave (other than short term sick leave of 5 days or less) must be tendered to the manager or principal on leave forms provided, which should be signed by the person giving approval and forwarded to the Manager Administration for any payroll adjustments to be made.
2. Teachers applying for leave during student contact time, must take into consideration the types of leave available to them in their respective collective agreements. Such leave includes:

### Unpaid Refreshment Leave

(Section 4.9 of the PTCA)

Full-time registered teachers and part-time teachers employed for at least 0.8 FTTE per week, attested at the experienced teacher level against the professional standards in the PTCA, shall be entitled (subject to 4.9.2) to take unpaid refreshment leave of one school term after three year’s service in the school or up to one school year after five year’s service in the school. When a period of unpaid refreshment leave has been taken, a further period of qualifying in the school, from the date of return from leave, is required before the teacher may be considered for further unpaid refreshment leave.

Entitlement to unpaid refreshment leave (clause 4.9.2 of the PTCA) is subject to:

* BLENNZ’s ability to find a suitable reliever to fill the vacancy created by the teacher taking the leave;
* the teacher not being subject to current competency or disciplinary processes at the time that leave is sought;
* the maximum number of teachers who can be on unpaid refreshment leave at any one time in a school, as per the calculations in 4.9.2 (c) of the PTCA;
* where more than the number of teachers provided for in 4.9.2 (c) within BLENNZ apply for unpaid refreshment leave, the priority will be given to those with the greatest length of service in BLENNZ.

### Paid Sabbatical Leave

Section 4.10 of the PTCA.

Paid sabbatical leave must be applied for in terms of the PTCA.

### Study Leave

Section 4.8 of the PTCA.

Wherever possible study leave will be linked to personal development objectives and will be negotiated and approved during the annual performance appraisal cycle.

### Discretionary Leave

BLENNZ may, where there are special circumstances, grant discretionary leave with or without pay to any employee during periods when the school is officially open for instruction, provided that such leave does not unreasonably impinge upon the operational requirements of the school. Leave may be granted for a variety of activities, including:

* accident/illness of a family member (as defined in section 4.7.1 of the PTCA)
* attending education appointments/interviews
* civil defence duties
* court proceedings
* cultural activities (domestic/overseas)
* days of significance (e.g. Ratana Day)
* disciplinary/grievances/dispute hearings
* educational courses/conferences/examinations/hui
* meetings of statutory authorities
* religious observances
* sporting activities.

Before approving any discretionary leave, BLENNZ shall ensure that the granting of such leave complies with any funding arrangements applying to BLENNZ in respect of such leave. When more than one application for discretionary leave is received from a department/centre for the same or an overlapping period of time, prior to a decision being reached on whether to grant discretionary leave or not, the manager or principal must consider:

* the reasons for the application
* the number of times a staff member has received approval for discretionary leave in the past
* the affect such leave will have on the management of the operational requirements of the department/centre
* the ability to find, a suitable reliever to fill the vacancy created by the teacher taking leave
* conditions relating to discretionary leave with or without pay outlined in the relevant Collective Agreement.

Discretionary leave of more than five days (with or without pay), must be applied for with supporting documentation.

### Sick Leave and Medical Leave

Sick leave entitlement is in terms of the respective employment agreements. If an employee has no sick leave entitlement they must talk to their manager about their options. In terms of the PTCA, the next year’s minimum entitlement cannot be anticipated (4.1.2).

Absences on sick leave are to be notified to the respective line manager as early as possible on the day they occur. Where leave is required for other medical reasons (e.g. surgery), staff are asked to discuss this with their manager as soon as possible to allow relieving teachers to be employed to cover the staff member during their absence.

When in excess of five days sick leave is taken by the employee, for reasons of their own sickness or injury or to care for a member of the employee’s household as provided for in 4.1.6 of the PTCA, a current medical certificate from a registered medical or dental practitioner must be produced if the employer so requires (see 4.1.6c of the PTCA).

### Time in Lieu

When a teacher works on a weekend Immersion course their manager needs to negotiate with them the leave they take. This discussion needs to occur prior to the course taking place. If this involves working:

* a Saturday or a Sunday only, they are entitled to up to 1 days leave
* a Saturday and a Sunday, they are entitled to up to 2 days leave.

Any leave related to working one day on an Immersion course over a weekend needs to be taken in the week immediately prior to or following the course.

When full time teachers work both days over a weekend they are required to take at least 1 day off immediately prior to or after the course. The second day must be taken within 7 days of the course either commencing or finishing. When part time teachers work additional days, leave or payment will be negotiated prior to the course taking place. It is important to ensure that they are not working more than 7 consecutive days.

3. Systems for record-keeping and updating of personnel files will comply with the Holidays Act 2003.

## Supporting Documents:

[Link to Ministry of Education: Collective Employment Agreements](http://www.education.govt.nz/school/people-and-employment/employment-agreements/collective-agreements/)

[Link to NZ Legislation](http://www.legislation.govt.nz/)

[Link to Ministry of Business Innovation and Employment (MBIE)](http://www.mbie.govt.nz/)



Approved: (Principal)

Date: 17 May 2021

Next Review: 2024