

## Clause 25 and Appendix 3

### 25.0 Annual Leave

#### 25.1 Entitlement

Employees shall be granted six weeks' annual leave in respect of each leave year to be paid in accordance with the Holidays Act 2003.

The provisions of the Parental Leave and Employment Protection Act 1987 in relation to annual leave shall apply.

#### 25.2 Conditions:

25.2.1 The employer may permit an employee to take annual leave in one or more periods.

25.2.2 Within two weeks of receipt of a written application for planned leave from an employee, the employer must respond in writing confirming approval for the leave or stating the reasons leave is unable to be granted. Where a response is not provided the leave should be presumed to have been approved.

25.2.3 The employer may permit an employee to anticipate annual leave during the year in which it accrues subject to a refund being made, if necessary, on resignation.

25.2.4 The employer may permit all or part of the annual leave accruing in respect of a leave year to be postponed to the next following year, but the annual leave entitlement at any one time shall not exceed the total of annual leave accruing in respect of two leave years.

Provided however, that for the purposes of overseas study, the employer may permit all or part of the annual leave accruing in respect of two leave years to be postponed to and taken together with the annual leave accruing in respect of the next following leave year.

Provided further that where an employee is on continuous leave without pay due to illness or accident the employee will be permitted to take or accumulate leave for up to two years. After this, an employee will not qualify for any further period of leave until duty is resumed.

25.2.5 Where an employee resigns from a DHB the employee's untaken annual leave at the time of resignation shall be paid out in accordance with the Holidays Act. Except that where an employee is commencing employment with another District Health Board within one month the employee may elect to have the annual leave balance at the time of resignation to a maximum of one year's entitlement credited to the employee's entitlement with their new employer. Where an employee does not expressly elect to have their accrued leave credited to the employee's new entitlement then they will be paid out their leave balance at the time of resignation.

25.3 Employees shall be granted annual leave on pay to attend their graduation ceremony from their University Medical School and reasonable travelling time to and from the ceremony.

## APPENDIX 3: Best Practice Leave Allocation Guidelines

### Pre-amble

Both parties acknowledge the importance of transparent and appropriate leave application and approval.

Both parties further acknowledge that a positive leave culture should be developed where RMOs are supported to take between 4 and 6 weeks of leave in the calendar year.

This is done with the understanding that the taking of, and access to, annual leave is essential to maintain the wellbeing of the RMO workforce and therefore service delivery and workforce pipeline.

RMOs acknowledge their role in good communication practices. RMOs acknowledge the importance of timely communication with those administrating RMO rosters with regards to:

- Run allocations
- Leave applications
- Leave cancellations, and
- Resignations

as this communication directly affects the RMO unit and services ability to write and publish rosters, allocate relief and approve leave.

This guideline is further intended to develop a consistent and predictable approach across services and DHBs for leave application and roster publication for both RMOs and services.

### Communications

Timely advice and reminders should be sent to RMOs, including prior to the rosters being published to, ensure they are considering their leave plans.

This should include information on key dates where demand for leave is likely to be high such as:

- College exams or study courses
- School holidays

Communications should be provided 10-12 weeks before the run start/changeover date, and this should include a prompt for those RMOs who will be rotating to contact their next DHB employer.

Follow up communication should be provided six weeks before the run start/changeover date, to support publication of the roster with at least 4 weeks (28 days) notice (as per clause 4.3). As per clause 4.5, a roster should ideally be published to cover the full run.

### Transparency of relief availability

Where practicable, DHB communications should indicate the current availability of leave cover.

Where there is unallocated planned relief capacity, DHBs should advise RMOs of this so they can consider taking leave.

### Active management of leave/prioritisation

DHBs should monitor annual leave and alternate holiday balances and where an RMO has a high balance, their service should engage with them to ensure that they are planning to take leave for rest and recuperation.

Where the demand for relief cover is greater than the available relief capacity, the DHB may prioritise those RMOs with a high-level balance when approving leave.

## Overview – Application

### Entitlements

RMOs are entitled to 6 weeks of annual leave on full pay in respect of each leave year. An RMO's annual leave entitlement at any one time must not exceed the total annual leave accruing in respect of two leave years. An RMO may be permitted to anticipate annual leave during the year in which it accrues, subject to a refund being made, if necessary, on resignation.

RMOs are entitled to annual leave to attend their graduation ceremony and reasonable travelling time to and from the ceremony.

Where an RMO resigns from a DHB they will be paid out all accrued leave at the time of resignation in accordance with the Holidays Act. An exception to this may occur when the RMO is commencing employment with another DHB within one month and they elect to have untaken annual leave, up to maximum of one year's entitlement, be credited to their new entitlement, with any payment responsibility remaining with the DHB.

This means that if you want up to a maximum of 6 weeks untaken leave transferred to another DHB you need to request this otherwise your leave will be paid out.

### Leave applications

The DHBs and STONZ acknowledge the importance of transparent and appropriate leave application and approval. It is further acknowledged that a positive leave culture should be developed where RMOs are supported to take between 4 and 6 weeks of leave in the calendar year.

This is done with the understanding that the taking of, and access to, annual leave is essential to maintain the wellbeing of the RMO workforce and therefore service delivery and workforce pipeline.

RMOs are encouraged to take annual leave on a regular basis and submit annual leave applications at least four weeks in advance of the requested leave, or greater dependent on DHB policy.

Within two weeks of receipt of a written application for annual leave from an RMO, the DHB will respond in writing confirming approval for the leave or stating the reasons leave is unable to be taken.

Where a leave application is declined, the RMO Support Unit will discuss alternative dates with the RMO. This entire process must still comply with the 14 day deadline to formally advise the RMO of the outcome of their original application. If this 14 day deadline cannot be met, the original application will need to be declined and a new leave application submitted by the RMO with the new dates.

Once leave has been approved by a DHB for a period when the RMO is employed by that DHB, it cannot be revoked (clause 21.6 STONZ MECA).

### Prioritisation of Leave Applications

Best practice would be that leave applications are generally considered on the basis of individuals with a high leave balance being prioritised over individuals with a low leave balance and both groups are prioritised over individuals with a negative leave balance.

In circumstances where a Service receives a number of applications for leave at the same time, and where insufficient cover is available, and/or the impact on the operation of the Service could not be managed, prioritisation of leave applications may be required.

At times of key examinations and training courses, medical education leave will take priority. At other times, annual leave applications will be given priority.

### Consideration of Annual Leave Applications

Apart from periods when prioritisation of leave applications may be required, the Appendix 3: Best Practice Leave Allocation Guidelines are intended to develop a consistent and predictable approach across services and DHBs for leave application and roster publication for both RMOs and services.

## SNEF Project Outcomes – Senior Registrar Leave

### Background

During STONZ and DHB bargaining in November 2020, access to leave and leave cover for Senior Registrars was identified as a priority area requiring further review. It was noted that Senior Registrars are often required to swap their on call /after-hours shifts in order to take leave as it is difficult to provide a reliever due to the level and nature of their work.

A project was established to understand how leave is accessed and covered for RMOs and to develop recommendations to support a consistent and transparent approach enabling access to, and management of leave for this group.

As an outcome from this project a guide for Registrars who take on the roster writing and leave management role was developed. This included updates to the RMO roster and relief review and improvement framework to capture some of the challenges for services without relief roles and to include best practice guidelines and relief models to mitigate some of these challenges.

### Purpose of the Roster Writing and Leave Management Guide for Registrars

The guide has been developed to ensure Registrars in the roster writing and leave management role have access to the required resources and that there are appropriate processes in place to support and maximise leave access. The guide may also be useful for induction of new RMO unit staff or other staff who take on the roster writing and leave management role within the service.

The guide and updated RMO roster and relief review and improvement framework were released nationally on 19 July 2022. This included recommendations around next steps for Districts.

### Linked Clauses

- The clauses that form part of the Roster Writing and Leave Management Guide for Registrars are;
- Clause 4 Hours of work and Rostering
- Clause 7 Medical Education
- Clause 8 Conference Leave
- Clause 9 Employment relations education leave and union leave
- Clause 16 and Appendix 2 Relief Management
- Clause 17 Limits on hours
- Clause 21 Cover for leave
- Clause 25 Annual leave and Appendix 3 Best Practice Leave Allocation Guidelines
- Clause 26 Sick leave
- Clause 27 Bereavement / Tangihanga leave

The guide is available under the “*Resources for Registrars Writing Rosters and Managing Leave*” section of the National Manual.

## Frequently Asked Questions (FAQs)

1. What is my annual leave entitlement?
  - An RMO is entitled to 6 weeks annual leave on full pay in respect of each leave year. This means that your annual leave entitlement is not granted on commencement of employment you accrue annual leave entitlements throughout the leave year.
  - The employing DHB may permit an RMO to anticipate annual leave during the year in which it accrues subject to a refund being made, if necessary, on resignation
2. How is annual leave deducted?
  - Annual leave is deducted on the basis of the ordinary hours of work as set out at clause 4.1 of the STONZ MECA i.e. 40 hours per week and no more than 8 hours per day Monday to Friday.
  - See scenario 2 regarding the leave abutting weekends provision and how leave is deducted under this scenario.
3. What are my annual leave entitlements as a part time employee?
  - You are entitled to 6 weeks annual leave per leave year which is paid in accordance with the Holidays Act 2003 and prorated to your FTE.
  - For example if your FTE is 0.5 and you work 20 hours every week and you took 6 weeks leave, you would get paid 6 weeks at 20 hours per week.
4. How long does the DHB have to make a decision on my annual leave request once it has been submitted?
  - Within two weeks of receipt of a written application for annual leave from an RMO, the DHB will respond in writing confirming approval for the leave or stating the reasons leave is unable to be taken.
  - Where a leave application is declined, the RMO Support Unit will discuss alternative dates with the RMO. This entire process must still comply with the 14 day deadline to formally advise the RMO of the outcome of their original application. If this 14 day deadline cannot be met, the original application will need to be declined and a new leave application submitted by the RMO with the new dates.
5. Can I apply for annual leave in a future run when my allocations are not known yet because the schedule of allocations for the next training year have not been published?
  - Where applications are for leave in a future run and the RMOs' allocation cannot be confirmed, the applications will be considered on a case by case basis.
  - Where the application is declined, the RMO can reapply once their allocation is known.
  - Once leave has been approved by a DHB for a period when the RMO is employed by that DHB, it cannot be revoked.
6. If I request a run swap will this impact any annual leave I already have approved where this will fall in the run rotation that I want to swap?
  - In circumstances where an RMO has had leave approved in advance by a Service and then requests a run swap, the RMO Support Unit will determine if the approved leave can be covered in the proposed new run. While all reasonable steps will be taken to find cover, if the leave cannot be covered, the run swap will be declined, unless the RMO wishes to cancel their leave.
  - In circumstances where an RMO has been re-allocated to a Service at short notice and not at their request and has had annual leave already approved, in advance, by another Service, the approved leave will be honoured by the Service they have been re-allocated to.
7. Do I have to use annual leave to attend my graduation?
  - Yes you must apply for leave to attend graduation and this will be deducted from your annual leave balance.

## Scenarios

### Scenario 1 – Transfer of Annual Leave

Clause 25.2.5 applies.

#### RMO #1

Has 8 weeks untaken annual leave and has requested to transfer his leave to the new employing DHB where he will commence employment within one month.

- 6 weeks untaken annual leave will be transferred to the new DHB
- 2 weeks untaken annual leave will be paid out on his resignation date

#### RMO #2

Has 3 weeks untaken annual leave and has requested to transfer 2 weeks to the new employing DHB (where they will commence employment within one month) and have the remaining week of leave paid out on the resignation date.

- If you have less than 6 weeks untaken leave and elect to transfer this the full balance must be transferred. You can either have the 3 weeks paid out, or have the 3 weeks transferred.

### Scenario 2 - Leave Abutting Weekends (Clause 21.4)

When an RMO is on annual leave on the days immediately before or after a weekend they cannot be required to work the weekend(s).

For the purpose of this clause a weekend shall be deemed to commence at the completion of the rostered Friday duty including long days. Where night shift is concerned the Friday night duty shall be deemed to be part of the weekend.

When the RMO is rostered to start the night shift on a weekend at the end of the leave, in instances where they commence the leave on the previous Friday or before, they may be required to return for the Sunday/Monday night shift.

#### Example # 1 – Leave Abutting Weekends:

The RMO applies for annual leave Monday to Friday in week 3

- Leave abutting weekends applies to Saturday and Sunday at the end of week 2 and the Saturday and Sunday at the end of week 3.
- The RMO is granted leave for the period highlighted in yellow and is deducted 1 week of annual leave from their leave balance (40 hours)

Week	Mon	Tues	Wed	Thu	Fri	Sat	Sun
1	8	8	8	8	8	X	X
2	8	8	8	8	8	LD	LD
3	8	8	8	8	8	X	X

#### Example # 2 – Leave Abutting Weekends:

The RMO applies for annual leave Wednesday to Friday in week 3

- Leave abutting weekends does not apply to Saturday and Sunday in week 2 because annual leave commences Wednesday in week 3. Leave abutting weekends applies to Saturday and Sunday at the end of week 3 only.
- The RMO is granted leave for the period highlighted in yellow and is deducted 3 days annual leave (24 hours).

Week	Mon	Tues	Wed	Thu	Fri	Sat	Sun
1	8	8	8	8	8	X	X
2	8	8	8	8	8	LD	LD
3	8	8	8	8	8	X	X

### Example 3 – Leave Abutting Weekends:

The RMO applies for annual leave Monday to Friday in week 2.

- Leave abutting weekends applies to Saturday and Sunday at the end of week 1 and the Saturday at the end of week 2. The RMO is required to return for the night duty that commences on the Sunday evening at the end of week 2 because they are rostered to start the night shift on a weekend at the end of the leave and they commenced leave on the previous Friday at the completion of their day shift..
- The RMO is granted leave for the period highlighted in yellow and is deducted 5 days annual leave (40 hours).

Week	Mon	Tues	Wed	Thu	Fri	Sat	Sun
1	8	8	8	8	8	X	X
2	8	8	8	8	8	N	N
3	N	N	Z	Z	Z	X	X

## Comparison STONZ and NZRDA MECA

The following table sets out where there are differences between the STONZ MECA and NZRDA MECA. Where there is no difference between clauses no detail has been provided in the comparison table.

	<b>STONZ MECA Clause 25</b>	<b>NZRDA MECA Clause 20</b>
Annual Leave Entitlements	Clause 25.1 6 weeks leave per annum	Clause 20.1 30 days per annum
Resignation and ability to transfer of accrued annual leave	<p>Clause 25.2.5</p> <p>The default is to pay out all accrued leave at the time of resignation in accordance with the Holidays Act.</p> <p>Except that where the RMO is commencing employment with another DHB within one month, they may elect to have untaken annual leave, up to maximum of one year’s entitlement, be credited to their new entitlement, with any payment responsibility remaining with the DHB.</p>	<p>Clause 20.2.5</p> <p>The default is pay out all accrued leave at the time of resignation in accordance with the Holidays Act.</p> <p>Where an RMO resigns from a DHB to commence employment at another DHB within one month, the DHB will notify the RMO of their entitlement to have their accrued annual leave, to the maximum of six weeks, credited to the annual leave balance at their new employing DHB.</p> <p>The DHB is required to provide the written option of transferring up to six weeks accrued leave to the RMO at least one month prior to transfer. Failure of the DHB to do so will result in the accrued leave being transferred to the employee’s new entitlement.</p> <p>The DHB will pay out the accrued annual leave on termination where the notification has been provided and the RMO does not agree or fails to respond within a timely period.</p>

		<p>Clause 20.2.6</p> <p>Except as provided in 20.2.3, 20.2.4 and 20.2.5 above, when an employee ceases employment with the employer the employee shall be paid salary for accrued annual leave and the last day of service shall be the last day of such accrued leave.</p>
<p>Best Practice Leave Allocation Guidelines</p>	<p>Appendix 3</p> <p>The Best Practice Leave Allocation Guidelines are intended to develop a consistent and predictable approach across services and DHBs for leave application and roster publication for both RMOs and services.</p>	<p>No corresponding guidelines in NZRDA MECA.</p>

## Forms, Templates and Other Resources

The following resource forms part of clause 25 Annual Leave and Appendix 3 Best Practice Leave Allocation Guidelines. The guide is available on the website where the National Manual is hosted under the “Resources for Registrars Writing Rosters and Managing Leave” section.

Resource	Comment
<p>Roster Writing and Leave Management – Guide for Registrars</p>	<p>This document has been developed to ensure Registrars in the roster writing and leave management role have access to the required resources and that there are appropriate processes in place to support and maximise leave access.</p> <p>While this guide has been developed for Registrars who take on the roster writing and leave management role, content may also be useful for induction of new RMO unit staff or other staff who take on the roster writing and leave management role.</p>