

Clause 21

21.0 Cover for Leave

REFER TO THE BEST PRACTICE LEAVE ALLOCATION GUIDELINES IN APPENDIX 3 FOR THE AGREED PROCESSES AND EXPECTATIONS TO SUPPORT FAIR AND TRANSPARENT RMO LEAVE MANAGEMENT

- 21.1 The responsibility to arrange cover for RMOs on leave lies with the employer. It is not the responsibility of individual employees to find cover for their own leave. The employer will take all reasonable steps to ensure sufficient cover is available to permit RMOs to take leave.
- 21.2 Rosters shall not be rewritten once published unless there is a permanent change on the numbers of RMOs on the roster (and the majority of remaining RMOs concerned agree to it) nor be written to incorporate cover for leave except as provided in clause 21.3.
- 21.3 Cover for leave may be provided:
- 21.3.1 By relievers.
- 21.3.2 By payment of additional duties:
- (a) Where additional rostered duties are not included in the calculation of expected average hours, such duties shall be remunerated as per clause 15 (additional duties).
- (b) Where an additional rostered period of call is worked the provisions of clause 15 will apply in respect of actual hours worked, subject to the provisions of clause 18.
- 21.4 Leave Abutting Weekends
- 21.4.1 When an RMO is on annual leave on the days immediately before or after a weekend she/he cannot be required to work the weekend(s).
- 21.4.2 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.
- 21.4.3 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.
- 21.4.4 This clause may also apply to other forms of leave – e.g., medical education leave – depending on the specific circumstances.
- 21.4.5 This clause shall not apply to time in lieu of public holidays (Alternative Holidays)
- 21.5 An RMO shall only be debited leave for leave days taken Monday through Friday or, if employed on a shift roster, no more than 5 days in any week, i.e., exclusive of days rostered off.
- 21.6 Once approved, leave cannot be revoked by the employer under any circumstance.

Overview – Application

Cover for leave

Once approved leave cannot be revoked by the DHB, under any circumstances.

An RMO will only be debited leave for leave days taken Monday through Friday or, if employed on a shift roster, no more than 5 days in any week, i.e. exclusive of days rostered off.

The responsibility for providing cover rests with the employing DHB who will take all reasonable steps to ensure sufficient cover is available to permit RMOs to take leave.

Rosters shall not be rewritten once published unless there is a permanent change on the numbers of RMOs on the roster (and the majority of remaining RMOs concerned agree to it) nor be written to incorporate cover for leave except as provided in clause 21.3 of the STONZ MECA.

The RMO Support Unit will pursue the following options, where available, when sourcing cover for a vacancy or an absent RMO;

- Short Notice Relievers (SNR)
- Report for Duty Relievers (RFD)
- Planned leave relievers
- Cross cover (ordinary hours only)
- Additional duties
- Emergency back-up roster
- Locums

All Services should have a contingency plan. A Service contingency plan is implemented where cover cannot be found by the RMO Support Unit, or when the Service wishes to make internal arrangements to provide cover. This may include cover by SMOs, cover by employees on the Service's own 'back up list' and service reductions. Where SMO cover is utilised to cover an RMO vacancy, the SMO must be paid at the applicable rate detailed in the SMO Collective Agreement.

Leave abutting weekends

Leave abutting weekends does not apply to time in lieu of public holidays (Alternative Holidays).

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). 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.

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. Is it my responsibility to find cover for my leave?
 - No, it is the DHB’s responsibility for finding leave cover. They will take all reasonable steps to ensure sufficient cover is available to permit RMOs to take leave.
2. Does leave abutting weekends apply to all leave?
 - Leave abutting weekends applies to annual leave. It may also apply to other forms of leave e.g. medical education leave depending on the specific circumstances.
 - Leave abutting weekends does not apply to time in lieu of public holidays (Alternative Holidays).

Scenarios

Scenario 1 - Leave Abutting Weekends

Example 1

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

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

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

Scenario 2 – Leave and impact on sleep days

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

- Leave abutting weekends will apply to the weekend in week 1 and the weekend in week 2 (highlighted in yellow) if the leave is approved.
- The RMO Support Unit advises the RMO that if the leave is approved they will be required to work day shifts on Monday and Tuesday in week 3 because the sleep recovery days on the published roster will no longer apply due to the night duties not being worked.

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

Scenario 3 – RMO calls in sick

This is an example of a process that the RMO Unit would follow to source cover.

- The RMO notifies the RMO Support Unit that they will be sick for their long day (LD) shift 0730-2230
- The LD portion from 1530-2230 is the priority for sourcing cover
- RMO Unit checks if the RMO's team from 0730-1530 is on acutes / post acutes / clinic etc.
- Option 1, option 2 or cross cover could be arranged to cover the short day portion of the shift
- If there is no RMO on Report for Duty (RFD) or Short Notice Relief (SNR) the RMO Unit Advisor will follow option 3 to cover the shift from 1530-2230

Option 1 SNR available (before 0900 /1400)

- The RMO Unit contacts the RMO on SNR to cover the vacancy

Option 2 RFD available

- The RMO Unit contacts the RMO on RFD to see whether they will consider covering the LD vacancy. The RMO on RFD can-not be required to work a long day where they were not already rostered to this as part of their relief roster. Where the RMO allocated to RFD agrees to work the vacancy there is no additional payment as this is captured as part of the run category hours.

Option 3 No RFD or SNR available

The RMO Unit

- Sends a group text to all current RMOs and Locums advertising the vacancy at the additional duties / locum rates
- Advises the service (including the on-call SMO / RMOs) of the vacancy and indicates a contingency plan may need to be put in place. The service is kept updated on whether the shift has been filled / is still vacant
- If the LD portion is still vacant by mid-morning;
 - Start calling Locums or RMOs on days off
 - See if RMOs on the night shift could start earlier e.g. 2030 or 2100
 - See if any RMOs on the roster want to pick up the LD portion from 1530 – 1900/2030 for the additional duties rates
- Where cover has not been found service implements contingency plan

Comparison STONZ and NZRDA MECAs

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.

	STONZ MECA Clause 21.0	NZRDA MECA Clause 16.0
Cover for leave and leave abutting weekends	<p>Clause 21.4</p> <p>This will apply to annual leave. It may apply to other forms of leave e.g. medical education leave depending on the specific circumstances.</p> <p>Excludes time off in lieu of working a public holiday (alternative holiday)</p>	<p>Clause 16.5</p> <p>Applies to leave generally.</p> <p>Excludes time off in lieu of working a public holiday (alternative holiday)</p>

Forms, Templates and Other Resources

The following resource forms part of clause 21.0 Cover for Leave. 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
Roster Writing and Leave Management – Guide for Registrars	<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>