



15 December 2022

Tēnā koe

On 8 November 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

This is a request for Official Information under the Official Information Act 1982 in relation to Staff Leave entitlements.

We request the following information:

- 1. How many days' of annual leave or paid time off (such as departmental holidays or supplementary leave), in excess of the statutory four weeks leave, do your staff receive?*
- 2. When was the amount of annual leave or paid time off (in excess of four weeks) allocated to each employee last increased?*
- 3. If any additional leave or paid time off entitlements have been given in the past two years, please provide a reason as to why.*
- 4. Please indicate whether they above additional entitlements are temporary or will continue next year and/or for the foreseeable future.*
- 5. If different employees receive different entitlements to additional leave, please indicate the number of staff receiving each entitlement.*
 - a. E.g., 5 Days - XX employees, 6 days - XX employees, 7 Days XX employees*
- 6. What is the total annual cost of providing leave entitlements beyond the four weeks required by law?*
- 7. If there has been additional entitlements in the past two years (e.g., an extra paid day off over the Christmas break), what is the estimated cost of providing this?*

In the interests of clarity, the Ministry will respond to each of your questions in turn.

1. *How many days' of annual leave or paid time off (such as departmental holidays or supplementary leave), in excess of the statutory four weeks leave, do your staff receive?*

The number of days of annual leave or paid time off in excess of the statutory four weeks leave staff receive is dependent on their employment agreement entitlements and length of service as follows:

- three additional annual leave days a year if an employee is on a National Office Ministry of Youth Development (NOMYD), Service Delivery (SD), or Work and Income Northland Staff (WINS) employment agreement after their first year of continuous service (23 days)
- four additional annual leave days a year if on a Manager and Senior Specialists (MSS) or Deputy Chief Executive (DCE) and General Manager (GM) employment after first year of continuous service (24 days)
- five additional annual leave days a year if on a MSS, DCE and GM, NOMYD, SD, or WINS employment agreement after five years continuous service (25 days)

There are also some current staff that have grandparented conditions from previous contracts. These remain in place until either the staff member leaves, moves to a new contract without the grandparented conditions or the condition is renegotiated. The relevant grandparented annual leave entitlements are as follows:

- seven additional annual leave days a year if on Grandparented entitlement under an old MSS employment agreement (27 days)
- eight additional annual leave days a year if on Grandparented entitlement under NOMYD, SD or WINS employment agreement (28 days)
- MSD days - three additional days (normally between Christmas and New Year) if they are entitled to the grandparented MSD days. Applies to MSS & DCE and GM employment agreements.

Paid Discretionary Leave is also available on a case-by-case basis dependent on the individual's circumstances.

2. *When was the amount of annual leave or paid time off (in excess of four weeks) allocated to each employee last increased?*

Annual leave was last increased through collective employment bargaining in 2010 and a maximum of 25 annual leave days was introduced (as below).

The three additional MSD days were grandparented in 2019.

In 2010 the annual leave changed to

Annual Leave Entitlement or Accrual rate as at 30 November 2010	New Annual Leave rule to apply	Effective date of accrual of the new entitlement
Accruing or entitlement 28 days	25 days	1 December 2010
Accruing or entitlement 23 days	Staff with less than 5 years continuous service – 23 days Staff with 5 years completed continuous service – 25 days	1 December 2010
Accruing or entitlement 20 days	23 days	1 December 2010

3. *If any additional leave or paid time off entitlements have been given in the past two years, please provide a reason as to why.*

There were no additional leave or paid time off entitlements that were introduced or given in the past two years.

4. *Please indicate whether the above additional entitlements are temporary or will continue next year and/or for the foreseeable future.*

As stated above in the answer to question 3, the Ministry did not grant any additional leave or paid time off entitlements. However, the entitlements listed in the answer to question 1 are part of staff employment agreement terms and conditions until a change is made.

5. *If different employees receive different entitlements to additional leave, please indicate the number of staff receiving each entitlement.*

a. *E.g., 5 Days - XX employees, 6 days - XX employees, 7 Days XX employees*

The numbers below are as at 31 October 2022 for full time equivalent (FTE) staff. This also includes staff accruing the entitlement (e.g. staff accrue 23 or 24 days in their first year and then accrue 25, 27 or 28 days in their fourth year onwards depending on their employment agreement). Annual leave is pro-rated for part-time staff.

- 23 days Annual leave (3 days additional) – 3,879.4 employees
- 24 days Annual leave (4 days additional) – 300.5 employees
- 25 days Annual leave (5 days additional) – 2,930.1 employees

Current staff with grandparented entitlements

- 27 Days Annual leave (7 days additional) – 1 employee
- 28 days Annual leave (8 days additional) – 1,782.3 employees
- MSD days (3 days additional normally between Christmas and New Year) – 484 employees

6. *What is the total annual cost of providing leave entitlements beyond the four weeks required by law?*

The cost of annual leave is based on the number of hours above the minimum requirement multiplied by the hourly rate of the employee as at 31 October 2022. The data reflects the FTEs and the hourly rate at the point in time it was captured. In this case it is as of 31 October 2022. Therefore, if any of those staff change their hours, hourly rate, or employment the data below would reflect that change at that point in time in line with the contractual obligations.

- Annual leave days (beyond four weeks required by law) \$13,344,350.33.
- MSD days \$750,497. MSD days are the Ministry's days that some staff on MSS terms and conditions had grandparented in 2019 where, on an annual basis, the eligible employees are entitled to receive three days leave which will normally be taken in the period between Christmas and New Year.

7. *If there has been additional entitlements in the past two years (e.g., an extra paid day off over the Christmas break), what is the estimated cost of providing this?*

As noted in the response to question 3 of your request, there were no additional leave or paid time off entitlements that were introduced or given in the past two years.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding leave at the Ministry, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

A handwritten signature in blue ink, appearing to read 'CML', is positioned above the typed name.

Cain McLeod
Group General Manager
People Group