



30 May 2023

Tēnā koe

On 27 April 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Please can you provide me with information relating to Long Service Leave provisions for Ministry employees.*
 1. *Please provide the Ministry of Social Development's Long Service Leave policy*
 2. *Is it the Ministry of Social Development's policy or common practice to include any Long Service Leave Entitlements owing to an employee in their Final Pay?*
 3. *Have any employees had Long Service Leave Entitlements owing included in their Final Pay since 2011?*
 4. *How many employees have had Long Service Leave Entitlements included in their Final Pay since 2011?*

In the interest of clarity, I will respond to each of your questions in turn. Some sections of the request are grouped together.

1. *Please provide the Ministry of Social Development's Long Service Leave policy*
2. *Is it the Ministry of Social Development's policy or common practice to include any Long Service Leave Entitlements owing to an employee in their Final Pay?*

The Ministry's Long Service Leave policy is outlined in the **Appendix**, which includes the relevant excerpts from the Ministry's Staff Employment Agreements and Leave Management Guide. Excerpts have been provided because the Ministry does not have one single comprehensive policy document about Long Service Leave.

3. *Have any employees had Long Service Leave Entitlements owing included in their Final Pay since 2011?*
4. *How many employees have had Long Service Leave Entitlements included in their Final Pay since 2011?*

The Ministry does not hold information about the number of employees that left the Ministry and had Long Service Leave included in their final pay before 2019. Therefore, I am refusing this part of your request under section 18 (e) of the Act, as this information does not exist or, despite reasonable efforts to locate it, cannot be found.

During the period 2019 to 2023, there were 180 employees who left the Ministry and had some Long Service Leave included in their final pay.

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, 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



Cain McLeod
**Group General Manager
People**

Appendix

Long service leave in Leave Management Guide

Long service leave recognises service milestones with a specific allocation of leave. The amount of long service leave varies over different employment agreements, so check your employment agreement.

Long service leave is intended to be taken as one continuous period of leave, in a minimum of one-week blocks.

Long service leave doesn't carry over. If you don't use it before the next service milestone date (typically every five years), you will lose any remaining balance. If you're part-time during any of the qualifying service period, your long service leave allocation will be based on the average hours worked over this time.

If a public holiday falls while you're taking long service leave, the day will be treated as a public holiday, if the day would normally have been a working day for you.

If you're sick while taking long service leave, and you're able to provide your manager with a medical certificate or confirmation of the duration of your illness, the relevant time will be changed to sick leave (where you have an available sick leave balance).

Long Service Leave in Employment Agreements

i. Managers & Senior Specialists - Collective Employment Agreement (CEA)

Employees will be entitled to long service leave as follows:

- Two whole weeks after ten years continuous service.
- One whole week after every five years continuous service thereafter.

Long service leave will not accumulate from one qualifying period to another and will be taken before their next entitlement falls due or be forfeited. Long service leave will be paid at ordinary rates of pay. The onus of proving service is the individual manager's responsibility. Service will not be recognised before five years previous to the implementation of the Common Leave Provisions.

Should the employee become ill while on annual or long service leave, the period of illness may be charged against their sick leave.

ii. Managers & Senior Specialists - Individual Employment Agreement (IEA)

You will be entitled to long service leave as follows:

- Two whole weeks after ten years continuous service
- One whole week after every five years continuous service thereafter.

Long service leave will not accumulate from one qualifying period to another and will be taken before your next entitlement falls due or be forfeited. Long service leave will be paid at ordinary rates of pay. The onus of proving service is your responsibility. Service will be recognised for a maximum of five years prior to 13 May 2008.

iii. Staff Collective Employment Agreements (CEA)- NOMYD, SD and WINS

Employees will be entitled to long service leave as follows:

- Two weeks' holiday on completion of 10 years' continuous service; plus
- One week's holiday after five years' continuous service thereafter.

Long service leave will not be accumulated from one qualifying period to another and will be taken before the next entitlement falls due or be forfeited.

Employees who have completed eight years' continuous service may anticipate one week's long service leave/holiday in advance of their 10-year entitlement, where approved by their immediate manager. When an employee anticipates this one week's long service leave/holiday and then leaves the employment of MSD prior to completing 10 years' continuous service, they shall be required to repay in full the one week's long service leave/holiday taken in anticipation. The employee agrees and authorises MSD to make a deduction from their final pay the amount in full for the leave which they have anticipated.

Where an employee becomes ill while on annual or long service leave, the period of illness will be a charge against their sick leave. A medical certificate may be required.

iv. Staff Individual Employment Agreement (IEA) - Permanent

You will be entitled to long service leave as follows:

- two weeks' holiday on completion of ten years continuous service; plus

- one week's holiday after every five years continuous service thereafter.

Long service leave will not be accumulated from one qualifying period to another and will be taken before the next entitlement falls due or be forfeited.

When you have completed eight years continuous service you may anticipate one weeks' long service leave/holiday in advance of your ten-year entitlement, where approved by your immediate manager. If you anticipate this one week's long service leave/holiday and then leave MSD prior to completing ten years continuous service, you shall be required to repay in full the one week's long service leave/holiday taken in anticipation. By entering this agreement, you agree and authorise MSD to make a deduction from your final pay the amount in full for the leave which you have anticipated.

If you have taken long service leave prior to resignation, the amount of any applicable resignation leave will be reduced by the total amount of long service leave taken. The amount of the reduction will be offset by a credit of one day for each six-month period worked after the time of taking the last period of long service leave, to a maximum credit equal to the total number of days reduction for long service leave taken that has been made.

Deductions for long service leave will not apply if you resign on the grounds of ill health.

If you become ill while on annual or long service leave, the period of illness will be a charge against your sick leave. A medical certificate may be required.

v. Staff Individual Employment Agreement (IEA) – Fixed Term

You will be entitled to long service leave as follows:

- two weeks' holiday on completion of ten years continuous service; plus
- one week's holiday after every five years continuous service thereafter.

Long service leave will not be accumulated from one qualifying period to another and will be taken before the next entitlement falls due or be forfeited.

When you have completed eight years continuous service you may anticipate one weeks' long service leave/holiday in advance of your ten-year entitlement, where approved by your immediate manager. If you anticipate this one week's long service leave/holiday and then leave MSD prior to completing ten years continuous service, you shall be required to repay in full the one week's long service leave/holiday taken in

anticipation. By entering this agreement, you agree and authorise MSD to make a deduction from your final pay the amount in full for the leave which you have anticipated.

Deductions for long service leave will not apply if you resign on the grounds of ill health.

If you become ill while on annual or long service leave, the period of illness will be a charge against your sick leave. A medical certificate may be required.