



20 December 2024

Tēnā koe

Official Information Act request

Thank you for your email of 29 October 2024 requesting information about policies and statistics for Ministry staff transitioning between full time and part time work.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out below.¹

Question 1: What options does a Ministry staff member have when they have been away sick for a lengthy period (including supporting policies and data).

We have interpreted this question as referring to paid or unpaid options. Those on Staff agreements have entitlement to 10 days sick leave annually. Those on Manager agreements have unspecified sick leave.

For long term absences where the employee does not have enough sick leave, they can choose to use annual leave or be placed on sick leave without pay.

Question 2: For example, staff member A is diagnosed with cancer. Their treatment/condition exhausts their sick leave and any discretionary additional paid leave or accomodation their managers offer At MSD can Staff Member A apply for discretionary/compassionate leave without pay (for example, for six months or one year)?

It is a contractual entitlement for employees to be able to apply for leave without pay.

Question 3: Does MSD have a written policy on this? What are they at MSD?

The policy can be found on our Intranet page, we have provided this in **Appendix One**.

Question 4: What statistics does MSD have on the frequency, duration, and conditions attached to requests for such distortionary/compassionate leave? What fraction of applications are accepted?

Statistics for the frequency and duration of discretionary and compassionate leave are provided in **Appendix Two**.

¹ Some questions have been paraphrased.

We have provided you with discretionary and compassionate leave outcomes in **Appendix Three**. The Ministry does not hold statistics for conditions attached to requests, therefore we are refusing this part of your request under section 18(g) of the Act as the information you had requested is not held by the Ministry and I have no grounds to believe that the information is either held by or more closely connected to the functions of another department, Minister of the Crown or organisation.

Question 5: Does MSD keep any statistics on general categories for the granting of such discretionary/compassionate leave (for example, severe medical diagnosis expected to require at least six months for a full recovery, compassionate leave to care for incapacitated relatives, etc.)?

While details of the reasons for compassionate leave could be held for each individual staff member, the Ministry does not centrally record or group into general categories, and I note that each person's circumstances would be unique. The Ministry therefore does not hold statistics on general categories for the granting of compassionate leave, and we are refusing your request under section 18(g) of the Act as the information you had requested is not held by the Ministry and I have no grounds to believe that the information is either held by or closely connected to the functions of another department, Minister of the Crown or organisation.

Question 6: What fraction of MSD staff request transferring from full time employment (~35 hours per week), to something less (i.e., then considered part time)? What fraction are accepted? What number of applications are for the reverse (from part time to full time)? What written policies does MSD have on this?

We are refusing the part of this request that asks for the fraction of staff transferring to/from full time employment under section 18(g) of the Act as the information you had requested is not held by the Ministry and I have no grounds to believe that the information is either held by or closely connected to the functions of another department, Minister of the Crown or organisation.

Please refer to our response to Question 3 regarding the written policies part of this question.

Question 7: What statistics are kept on such employment recategorizations? Might this information be available over the past six years (or, if fewer years that which is kept)?

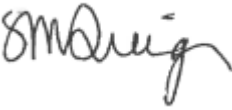
The Ministry does not hold statistics on employment recategorisations, therefore we are refusing your request under section 18(g) of the Act as the information you had requested is not held by the Ministry and I have no grounds to believe that the information is either held by or closely connected to the functions of another department, Minister of the Crown or organisation.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

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 my decision on your request, 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

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services

Appendix One: Leave without pay (extracted from the Ministry's Intranet page)

Leave without pay (LWOP)

If you want to take an extended period of unpaid leave (more than one month, excluding parental leave and unpaid special leave for the care of a dependant), talk to your manager. You'll need to submit a written request outlining what you're planning to do and the timeframe involved. Requests will be considered on a case-by-case basis, taking into consideration any potential conflict of interest, the length of absence and MSD's operational needs.

Job protection and continuous service

Placement on your return will depend on the availability of an appropriate position.

- For leave without pay of up to three months, your position will be held open.
- For extended leave without pay of more than three months and up to 15 months, we can't guarantee placement in the same job or a new job on your return.
- For a three-month period after the date you were due to return from LWOP, you'll be given preference for appointment to any vacancy in a role equivalent to what you were doing before your LWOP. If no job is found before the end of the preference period, your employment will be terminated. The last day of service will be recognised as seven days after commencing LWOP.
- For LWOP periods that are more than seven days, your service will be interrupted but not broken. The first seven days are considered part of your service.

If you have alternative leave without pay provisions within your employment agreement, they will apply.

Where it's not possible for you to secure a suitable position, MSD will give notice of termination of employment. This is unpaid notice i.e. it's an extension of the period of leave without pay.

Managers should contact AskHR for advice when employees want to take leave without pay.



Appendix Two: Ministry Bereavement Leave, Discretionary Leave and Special Leave data, from 1 November 2023 to 31 October 2024

Leave Types	Count of Personnel Number	Average of Days	Number of people using Leave Type (incl term)
Bereavement Leave	8806	1.7	4070
Discretionary Leave	1890	2.9	892
Special Leave	264	3.0	116
Total	10960	1.9	4541

Notes:

- Leave events/periods which started within the period referred to above are included. It excludes leave in the period where that leave started before 1 November 2023.
- The Leave Types could be rolled-up into a singular "compassionate leave" type.
- Legal Entity = the Ministry of Social Development.
- Includes people who were active employees at the time the leave was taken but may have since left the Ministry.
- The data represents individual leave periods as reported in the Payroll system (ECP). That means someone who took multiple separate leave periods or who reported their leave in separate periods will be counted more than once in the "Count of Personnel Number" column. But they are only counted once in the "Number of people using leave type" column.
- Leave events can be reported in various ways - a single 3 day period of leave may be reported via a single leave application for 3 days, whereas some people report this leave as 3 separate leave applications for 1 day each.

Appendix Three: Ministry Bereavement Leave, Discretionary Leave and Special Leave request outcomes, from 1 November 2023 to 31 October 2024

	Leave request outcomes			
Leave Types	Posted	Rejected	Withdrawn	Grand Total
Bereavement Leave	8717	44	93	8854
Discretionary Leave	1792	28	46	1866
Special Leave	264	9	16	289
Grand Total	10773	81	155	11009

Notes:

- Posted/Approved = approved by manager
- Rejected = rejected by manager (note this rejection could actually be at the staff member's request)
- Withdrawn = withdrawn by employee