

6 December 2022

s9(2)(a)

Mālō e lelei s9(2)(a)

RESPONSE TO AN OFFICIAL INFORMATION ACT REQUEST

On 8 November 2022, you contacted the Ministry for Pacific Peoples (the Ministry) requesting under the Official Information Act 1982 (OIA), information relating to staff leave entitlements. I have outlined your specific requests and my responses to each below.

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?*

Employee's Employment Agreements set out entitlements to annual leave. The agreement states whether the employee is entitled to be paid for 'Ministry days', which are the three days that fall between the Christmas and New Year period. There are a small number of employees who receive an additional week of annual leave. Entitlements for some of these employees are due to their Employment Agreements predating the introduction of Ministry days. The Ministry also provides COVID-19 discretionary leave, which was initially introduced in 2020 as part of COVID-19 guidance from Te Kawa Mataaho Public Service Commission (Te Kawa Mataaho), for staff who are unwell from contracting COVID-19. The guidance regarding COVID-19 discretionary leave for staff from Te Kawa Mataaho changed in March 2022 and staff were no longer able to use discretionary leave.

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

Over the last two years the Ministry has provided Special Leave with employee welfare being the main contributing factor. This entitlement is temporary and is only provided in special

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circumstances. For your information, I have appended to this letter an excerpt from our Leave Management Policy which outlines the Ministry's definition of Special Leave (refer **Appendix A**).

As per request from the Te Kawa Mataaho, the Ministry made the decision to offer COVID-19 discretionary leave to Ministry staff in April 2022. This will be discontinued in December 2022.

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

Ministry employees are not receiving any other entitlements apart from the additional annual leave as previously mentioned. In 2022, 13 employees received five weeks annual leave at a cost of \$38,338 – note, this cost only includes the extra week of annual leave. The cost for the Ministry days for 2021 and 2022 combined is \$314,628.

In line with standard OIA practice, the Ministry proactively publishes its responses to OIA requests. As such, this letter will be published on the Ministry for Pacific Peoples' website. Your personal details will be removed, and the Ministry will not publish any information that would identify you or your organisation.

Should you wish to discuss this response with us, please feel free to contact the Ministry at: uia_requests@mpp.govt.nz.

If you are dissatisfied with this response, you have the right, under section 28(3) of the OIA, to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Mālō 'aupito



Leatigaga Jason Tualima
**Deputy Secretary,
Corporate Services**

Appendix A – Excerpt from Ministry for Pacific Peoples Leave Management Policy

Special Leave with or without pay

Special leave (also known as discretionary leave) may be available in special circumstances. The employee must discuss any Special Leave with their Manager in the first instance. Where the Manager supports such a request, approval must be given by the Director, People and Culture before the Special Leave can proceed.

3.12.1 Application of special leave

Special leave with or without pay may be granted for:

- Military training (in accordance with the Volunteers Employment Protection Act 1973)
- Jury Service
- Witness leave
- Attendance of meetings of public bodies
- Tikanga purposes
- Military deployments • Representational purposes, or
- Study/Examination purposes.
- Health needs

3.12.2 Special leave with pay

If an employee is granted special leave with pay and receives fees (e.g. meeting attendance fees, jury fees, etc.), they must repay those fees to MPP by forwarding a copy of their leave approval email to Finance, with the entire payment they received.

3.12.3 Special leave without pay

If an employee is granted special leave without pay; or uses annual leave for a special leave purpose and receives fees (e.g. meeting attendance fees, jury fees, etc.), the employee may retain those fees and any expense reimbursement received.

Neither annual leave nor sick leave will accrue during any period in excess of one month of absence on special leave without pay.
