

Leave

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Section 1 : Policy Overview

1.1 Purpose

The purpose of this policy is to set down the processes for the approval, recording, and reporting of the Chief Executive's leave. Leave is "a period of absence from Ara when it is open for business of half a day or more other than for business-related absences; leave may be annual leave, sick leave, professional development leave, or special leave". This policy does not apply to business-related absences commonly known as "duties elsewhere".

1.2 Application

This is one of a set of policies defining the employment relationship between the Ara Council and its only employee the Chief Executive; it applies to that relationship only.

1.3 Policy Statement

The Chief Executive's Employment Agreement includes provision in Clause 5.0 for the Chief Executive to take paid and unpaid leave. This policy includes items which are not detailed in the Employment Agreement. The approval of leave is delegated to the Chair of Council. The recording of leave is administered by the Executive Assistant. From time to time, the Chair of Council or the Chief Executive may report to the Council on leave taken or to be taken; such reports are made with the public excluded. The Chief Executive and the Chair of Council may negotiate to make reasonable variations to this policy or determine requests for leave which are not explicitly covered.

1.4 Formal Delegations and Variations to Policy

The Ara Council delegates the approval of the Chief Executive's leave to the Chair of the Council under s222 of the Education Act 1989.

¹ From herein referred to as Ara

1.5 Definitions

- a **Annual leave:** the Chief Executive Employment Agreement entitles the Chief Executive to 20 working days of paid annual leave for each 12 month period in addition to statutory holidays and the non-statutory days between Christmas and New Year.
- b **Bereavement leave:** leave with pay granted to the Chief Executive for a period agreed to by the Chair of Council to enable the Chief Executive to attend the funeral of a family member or other person significant to the Chief Executive and/or to attend to estate or other matters arising from the death of such a person.
- c **Chief Executive Remuneration and Performance Review Committee:** a committee established by the Council under s193 of the Education Act 1989; it is composed of the Chair of Council and the Deputy Chair of Council ex officio and one other Council member elected at the first meeting of Council each year who will serve a term of at least two years
- d **Chair of Council:** the person appointed by the Minister for Tertiary Education as Chair of Council under s177 and s222AA-AK for a term determined by the Minister. The Deputy Chair, also appointed by the Minister for Tertiary Education as Deputy Chair of Council under s177 and s222AA-AK for a term determined by the Minister, may exercise the delegated authority when the Chair is unavailable.
- e **Chief Executive (CEO):** the manager of the academic and administrative affairs of Ara under s196 of the Education Act 1989 appointed and employed under s771A-D of the State Sector Act 1988. This policy applies only to the Chief Executive.
- f **Chief Executive Employment Agreement:** the agreement negotiated by the Council and the Chief Executive at the time of the Chief Executive's appointment or reappointment and concurred with by the State Services Commission under s771 of the State Sector Act 1988.
- g **Ara Council (ARAC^[NR1]):** the governing body of Ara established under s165 and s222AA of the Education Act 1989; the Council is the employer of the Chief Executive under s771 of the State Sector Act 1988.
- h **Leave:** a period of absence from Ara when it is open for business of half a day or more other than for business-related absences. Leave may be annual leave, sick leave, professional development leave, or special leave.
- i **Professional Development Time:** the Chief Executive is entitled to apply for up to 10 working days of paid professional development time (under the provisions of special leave) for each 12 months period of employment.

Professional development time can, by agreement with the Chief Executive Remuneration and Performance Review Committee, be accumulated for an approved professional development activity.

The Chief Executive Remuneration and Performance Review Committee can require the Chief Executive to use professional development time for directed development where performance inadequacies have been identified.

Professional development time not taken at the end of the expiry dated of the employment agreement is forfeited.

- j **Sick leave:** the Chief Executive Employment Agreement entitles the Chief Executive to paid sick leave for personal sickness or the sickness of the Chief Executive's spouse or person who depends on the Chief Executive for care.
- Paid sick leave to attend family responsibilities can be granted for up to a maximum of three months.
- The Chair of Council under delegation may require the Chief Executive to obtain and present a medical certificate in respect of any period of sick leave that exceeds five consecutive days.
- k **Special leave:** the Council may approve paid or unpaid leave for other purposes in excess of that provided for under the Chief Executive Employment Agreement from time to time to meet clearly identified purposes as the Chair of Council under delegation considers appropriate.
- l **Statutory holiday:** New Year's Day, the day after New Year's Day, Christmas Day, Boxing Day, the day after Boxing Day, Good Friday, Easter Monday, Easter Tuesday, Canterbury Provincial Holiday (Show Day), Anzac Day when it falls between Monday and Friday inclusive, Labour Day, the Sovereign's Birthday observance, Waitangi Day when it falls between Monday and Friday inclusive.
- m **Working day:** any day of the week other than Saturday or Sunday or a statutory holiday when Ara is open for business.

1.6 Attachments/Further Documentation

Nil

1.7 Related Policies

Nil

1.8 Notes

Nil

Section 2: Associated Procedures

- 2.1 Requests for annual leave shall follow an application and approval process to be agreed between the Chair of Council and the Chief Executive. Requests to take leave shall be made in writing or by email within an agreed time frame. The Chair of Council will respond in writing or by email. The granting of such leave will not be unreasonably withheld.
- 2.2 Where possible, the Chief Executive will apply to the Chair in advance for any period of sick leave or bereavement leave needed. When it has not been possible to anticipate the need to take sick leave or bereavement leave, the Chief Executive will advise the Chair as soon as practicable after the event.

- 2.3 When applying for professional development time, the Chief Executive shall provide the Chief Executive Remuneration and Performance Review Committee with a brief description of the study or activity to be undertaken together with the objectives of the leave and details of the period of absence.
- 2.4 The Committee's decision will be conveyed to the Chief Executive in writing.
- 2.5 The Executive Assistant to the Chief Executive shall keep a record of leave taken by the Chief Executive.
- 2.6 Any request to carry forward unused annual leave to the following year shall be made in writing to the Chair of Council before the end of November.
- 2.7 At the commencement of each year, a summary report of leave taken by the Chief Executive in the previous calendar year shall be presented to the Council with the public excluded.