

Note: During the term of the agreement the parties agree to identify the people covered by these clauses and address the issue in the next bargaining round.

#### **5.4 Long Service Leave**

**5.4.1** Clause 5.4.2 and 5.4.3 shall apply only to **ancillary assistants**.

**5.4.2** Employees shall be entitled to one special holiday on full pay for each of the following qualifying periods:

- (a) two weeks additional leave after the completion of 15 years and before the completion of 25 years continuous service; or
- (b) three weeks additional special leave after the completion of 25 years and before the completion of 35 years continuous service; or
- (c) four weeks additional special leave after the completion of 35 years and before the completion of 40 years continuous service.

For the purpose of clauses 5.4.1 to 5.4.3, continuous service shall be as specified in clauses 5.1.6 and 5.1.7 in NZ Support Staff in Schools Composite (Doc 2646).

**5.4.3** Each entitlement for long service leave, as provided for in clause 5.4.2 shall be calculated on the basis of the average number of hours worked over the three years immediately preceding the appropriate completion period.

**5.4.4** Clauses 5.4.5 to 5.4.9 shall apply only to **school secretaries**.

**5.4.5** An employee shall be entitled to special holidays as follows:

- (i) one special holiday of two weeks after the completion of 15 years and before the completion of 25 years of continuous service;
- (ii) one special holiday of three weeks after the completion of 25 years and before the completion of 35 years of continuous service;
- (iii) one special holiday of four weeks after the completion of 35 years and before the completion of 40 years of continuous service;
- (iv) one special holiday of five weeks after the completion of 40 years of continuous service.

Where an employee has become entitled to or taken a special holiday of two weeks in lieu of having completed 20 years continuous service, the holiday shall be deemed to be taken in lieu of having completed 15 continuous years. Where an employee has become entitled to or has taken a holiday of three weeks in lieu of having completed 30 years continuous service, the holiday shall be deemed to be taken in lieu of having completed 25 years continuous service.

**5.4.6** Should an employee have completed 25 years continuous service prior to the date of this award, she/he shall not be entitled to the special holiday provided in paragraph (i) of 5.4.5. Should an employee have completed 35 years of continuous service prior to the date of this award, she/he shall not be entitled to the special holiday provided in paragraphs (i) and (ii) of 5.4.5. Should an employee have completed 40 years of continuous service prior to the date of this award, she/he shall not be entitled to the special holiday provided in paragraph (i), (ii), or (iii) of 5.4.5.

**5.4.7** All such special holidays provided for in clause 5.4.5 shall be on ordinary pay as defined by the Holidays Act 1981, and may be taken in one or more periods and at such time or times as may be agreed by the employer and the employee: Provided that if an employee has had her/his hours reduced by reason of the operation of clauses 2.10.10 or 2.10.13 of this award (*Note:* The equivalent relevant provisions in this agreement are 2.4.2 and 2.5.1) prior to taking any of the special holidays

provided for in this clause, she/he shall be paid for such holidays on the basis of the average number of hours worked in the previous 6 years during her/his employment in the industry prior to the taking of such leave: Provided, further, she/he shall be paid not less than the number of hours worked immediately preceding the entitlement having become due.

- 5.4.8** If an employee having become entitled to a special holiday leaves her/his employment before such holiday has been taken, then she/he shall be paid in lieu thereof.
- 5.4.9** For the purpose of this clause, continuity of service shall not be deemed to be broken where an employee changes or transfers her/his employment between any Board of Trustees, community learning centre, university, technical institute board, or community college board: Provided that continuity of service shall not be deemed to be broken where an employee has been away from the industry for a period of not more than 6 months continuously.
- 5.4.10** An employee shall not be obliged to take the holiday or holidays during school holidays.
- 5.4.11** Clause 5.4.12 shall apply only to **executive clerical, typing and museum art technician** occupational classes:
- 5.4.12**
- (1) Subject to the provision of (2) to (8) below, an employee shall on the completion of 20 years continuous service be granted four weeks' long service leave with full pay.
  - (2) Long service leave shall be granted not more than once to any employee, and no period of service by an employee after the granting of long service leave, whether granted by an education authority or by any other employer in respect of service, shall entitle the employee to any further grant of long service leave by the employer.
  - (3) Long service leave shall be taken in a single period.
  - (4) Subject to the provisions of (5) below, long service leave shall be forfeited if not taken within five years of the completion of 20 years continuous service, or before the date the employee relinquishes office.
  - (5) An employee who becomes eligible for long service within two years of retirement may, at the discretion of the controlling authority, take that leave immediately following the day office is relinquished together with any other leave due or granted on retirement, and the employee shall be deemed to be a supernumerary during the period of leave; but retirement shall then be effective as from the date on which all such leave expires.
  - (6) An employee who is working reduced hours or is employed part-time and who takes long service leave shall receive a pro rata reduction of salary while on leave but not of the number of leave days.
  - (7) If an employee dies after qualifying for long service leave but before the leave has been taken or forfeited in accordance with the provisions of this clause, the employee's estate may be paid a compassionate grant equivalent in value to the salary which would otherwise have been paid to the employee in respect of long service leave.
  - (8) When an employee resigns or gives notice of resignation any long service leave to which there would otherwise have been an entitlement is to be forfeited.
  - (9) Notwithstanding any other provision of this clause, an employee who is entitled in each year to receive more than four weeks annual leave shall not qualify for long service leave.

### 5.13 Retirement Leave

**5.13.1** Clauses 5.13.2 to 5.13.4 shall apply only to **executive clerical, typing, museum art technician occupational classes.**

- 5.13.2** (1) The following full-time employees shall be entitled to retiring leave as set out in Table A. Retiring Leave shall be calculated on a pro rata basis according to the employee's record of service:
- (a) Employees who have attained the age of 60 years and completed at least 10 years service; or
  - (b) Employees who have completed 40 years' service if that service commenced before 1 January 1946; or
  - (c) Employees who have established eligibility for retirement on medical grounds. Such employees shall be entitled to retirement leave of 65 working days where the length of service does not exceed 25 years, and retirement leave in accordance with Table A otherwise.
- (2) Female staff appointed before 1 April 1962 who did not receive a benefit by way of increase in either salary or maximum from the implementation of the Government Service Equal Pay Act 1960 shall, on the establishment of eligibility, be entitled to 131 days of retirement leave on completion of 35 years service.
- (3) **Anticipated retirement leave** - A full-time employee whether full-time or in a position that requires her/him to work normal hours for less than a full year but not less than 40 weeks who has more than 20 years' continuous service, or is eligible to retire on the grounds of age or service, shall be entitled to anticipate retiring leave on full pay in terms of Table B.  
An employee with less than 20 years' service who would be entitled to retirement leave if she/he retired, may, at the discretion of the employer, anticipate up to one-half of that retirement leave.
- (4) For employees who are not otherwise eligible and whose services are dispensed with through no fault of their own, before reaching retirement age, the employer may grant retiring leave on full pay in accordance with this Table:

<b>Qualification Required</b>	<b>Retiring Leave</b> (working days)
Completion of 15 years service	65 days
Completion of 10 and under 15 years service	44 days
Completion of 5 and under 10 years service	22 days

**5.13.3** Instead of granting retirement leave under any of the subclauses above, an employer may, on application from the employee, pay a lump sum equivalent in value to that leave.

**5.13.4** On the death of an employee the employer may approve a cash grant in lieu of retiring leave to the spouse or dependents of the deceased employee.

**TABLE A**  
**Retirement Leave Entitlement In Working Days**

Years of Service	Months of Service					
	0	2	4	6	8	10
10	22	23	24	24	25	26
11	26	27	28	29	29	30
12	31	31	32	33	34	34
13	35	36	36	37	38	39
14	39	40	41	41	42	43
15	44	44	45	46	46	47

16	48	49	49	50	51	51
17	52	53	54	54	55	56
18	56	57	58	59	59	60
19	61	61	62	63	64	64
20 to 25	65	65	65	65	65	65
25	65	66	66	67	68	69
26	69	70	71	71	72	73
27	74	74	75	76	76	77
28	78	79	79	80	81	81
29	82	83	84	84	85	86
30	86	87	88	89	89	90
31	91	91	92	93	94	94
32	95	96	96	97	98	99
33	99	100	101	101	102	103
34	104	104	105	106	106	107
35	108	109	109	110	111	111
36	112	113	114	114	115	116
37	116	117	118	119	119	120
38	121	121	122	123	124	124
39	125	126	126	127	128	129
40 or more	131					

**TABLE B**  
**Anticipated Retirement Leave Entitlement in Working Days**

Years of Service	Months of Service			
	0	3	6	9
20	65	66	66	67
21	68	69	69	70
22	71	71	72	73
23	74	74	75	76
24	76	77	78	79
25	79	80	81	81
26	82	83	84	84
27	85	86	86	87
28	88	89	89	90
29	91	91	92	93
30	94	94	95	96
31	96	97	98	99
32	99	100	101	101
33	102	103	104	104
34	105	106	106	107
35	108	109	109	110
36	111	111	112	113
37	114	114	115	116
38	116	117	118	119
39	119	120	121	121
40 or more	122			

## 5.14 Resigning Leave

**5.14.1** Clauses 5.14.2 to 5.14.7 shall apply only to **executive clerical, typing and museum art technician occupational classes**.

**5.14.2** Resigning leave on full pay, as set out in the following table, may be granted to employees who have not reached their normal retiring age:

<b>Years of Continuous Service</b>	<b>Leave Working Days</b>	<b>Years of Continuous Service</b>	<b>Leave Working Days</b>
20	32	30	46
20.5	33	30.5	47
21	34	31	48
21.5	34	31.5	49
22	35	32	49
22.5	36	32.5	50
23	36	33	51
23.5	37	33.5	51
24	38	34	52
24.5	39	34.5	53
25	39	35	54
25.5	40	35.5	54
26	41	36	55
26.5	41	36.5	56
27	42	37	56
27.5	43	37.5	57
28	44	38	58
28.5	44	38.5	59
29	45	39	59
29.5	46	39.5	60

**5.14.3** Resigning leave is payable only to those employees who have given three months' notice of resignation, and where the work record is satisfactory.

**5.14.4** Where an employee has taken long service leave prior to resignation, the resigning leave due is to be reduced by 20 days but for each complete period of six months worked after the taking of long service leave, an additional credit of one day is to be granted up to a maximum of 20 days.

**5.14.5** Where an employee resigns on the grounds of ill health the full resigning leave entitlement will be granted and no reduction will be made for any long service leave taken.

**5.14.6** Resigning leave entitlements for full-time employees who work less than the full year but not less than 40 weeks will reflect the pattern of service of the employee.

**5.14.7** The employer may in special circumstances grant resigning leave on full pay to an employee with less than 20 years' continuous service who is less than 60 years of age.

## 5.12.2 Maternity Leave

**5.12.3** Clause 5.12.4 shall apply only to **executive clerical, typing and museum art technician** occupational classes:

- 5.12.4** (1) A woman who is employed either part-time or full-time, employed for at least 20 hours a week for the preceding 18 months, will be eligible for maternity leave (granted as leave without pay) for each birth and/or adoption that occurs whilst the employee is employed.
- (2) Leave of up to 12 months is to be granted to an employee with at least one year's service at the time of commencing leave.
- (3) For an employee with less than one year's service maternity leave of up to six months is to be granted.
- (4) Where an employee who is entitled to maternity leave of up to 12 months returns to duty before or at the expiration of the leave and completes a further six month's service, she qualifies for a payment equivalent to 30 working day's leave on pay.
- (5) An employee who is absent on maternity leave for less than six weeks (30 working days) will receive that proportion of the payment provided in (4) above which her absence represents to 30 working days.
- (6) An employee who returns to work on a part-time basis qualifies for the payment provided in (4) and (5) above, as appropriate at the end of six months service provided that she was previously employed on a full-time basis.

*Note:*

5.12.4 (1)-(3) above should be read within the context of the Parental Leave Act. This, however, shall not reduce any entitlement under (4)-(6) which is additional to any entitlement under that Act.