



THE UNIVERSITY OF
AUCKLAND
Te Whare Wānanga o Tāmaki Makaurau
NEW ZEALAND

Parental Leave Guide *for Staff*



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What is Parental Leave?

This guide contains details of the Parental Leave provisions available to you as a staff member at the University of Auckland and provides answers to commonly asked questions.

The University's policy comprises both the legislative requirements and additional benefits provided by the University. For the avoidance of doubt, please note that the University of Auckland Leave Policy and Procedures do not confer any additional benefits (unless clearly specified) to the Parental Leave and Employment Protection Act 1987 and therefore this policy must be taken in the context of the Act. In any case of conflict, the Act will prevail.

Both the University and staff applying for Parental Leave have obligations in relation to Parental Leave. It is important that you understand what is required of you and what the University's responsibilities are.

The Parental Leave and Employment Protection Act details the circumstances in which a biological mother or other person who takes permanent primary responsibility for the care, development, and upbringing of a child who is under the age of six may be entitled to:







- Leave from their employment
- Parental leave payments

Government Paid Parental Leave eligibility

Primary Carer Leave

As of the 1 April 2016, staff may be eligible to claim the 18 week statutory Government paid parental leave if they meet the eligibility criteria.

To take the Government Paid Parental Leave (PPL) you do not have to be a citizen or a permanent resident of New Zealand, but you must be employed under New Zealand employment law. You can access the Parental Leave Eligibility Tool [here](#) or refer to the eligibility flowchart below.

<p>Care requirements</p> <p>Are you a primary carer that is:</p> <ul style="list-style-type: none"> • An expectant mother (you are pregnant or have a baby under one year old) Or • Other primary carer who takes permanent primary responsibility for a child under six years old (such as adoptive parent, CYF home for life parent, whangai, grandparent with permanent full time care and others with permanent care arrangements). 	<p>NO</p> 	<p>You are not eligible</p>
<p>YES</p> 		
<p>Work Requirements</p> <p>Have you:</p> <ul style="list-style-type: none"> • Worked an average of at least ten hours a week for any 26 out of the 52 weeks immediately before your due date or date child came into your care? <p>and</p> <ul style="list-style-type: none"> • Applied for/taken leave or stopped working to care for your new born baby or child now in your care? <p>This work can be for any employer, a combination of employers or as a self-employed person even if there were periods where you did not work</p>	<p>NO</p> 	<p>You are not eligible</p>
<p>YES</p> 		
<p>Exclusions</p> <p>Have you:</p> <ul style="list-style-type: none"> • Had any previous paid parental leave within the last six months? • Returned to work (except for Keeping in touch (KIT) hours) • Chosen to receive Parental Tax Credit (PTC) for the child in this application? Contact IRD for details on PTC. 	<p>YES</p> 	<p>You are not eligible</p>
<p>NO</p> 		
<p>You are eligible</p>		

What types of parental leave are available from the Government?

Primary Carers Leave

A primary carer is defined as:

- A female (the biological mother) who is pregnant or has given birth to a child;
- The spouse or partner of the biological mother, only if
- The spouse or partner has succeeded under [section 72B](#) to all or part of the biological mother's entitlement to a parental leave payment; or
- The biological mother has transferred all or part of her entitlement to a parental leave payment to that spouse or partner under [section 71E](#) (in which case the spouse or partner is the primary carer for the period of time in relation to which the entitlement is transferred); or
- A person, other than the biological mother or her spouse or partner, who takes permanent primary responsibility for the care, development, and upbringing of a child who is under the age of six years (and if there is more than one such person, the person nominated in accordance with subsection (2)).

You are entitled to primary carer leave if:

- You are the primary carer in respect of a child; and
- Meet the six month employment test or the 12 month employment test.

Primary carer leave usually starts on the due date or the date childbirth starts if the child is born to the employee. In any other case primary carer leave starts on the date that the employee becomes the primary carer in respect of the child.

The employee can start their primary carer leave up to six weeks (or earlier with the employer's consent) before the baby's due date or the date on which the employee will become the primary carer of the child.

You can also start the primary carer leave earlier if:

- The baby is born before her scheduled leave, or
- Directed by a doctor or midwife, or
- The employer considers that the pregnant employee's work is unsafe, or her performance is inadequate, due to her pregnancy; and the employer can't temporarily transfer her to another suitable job.

Special Leave

In addition to any parental leave taken, females who are pregnant can also take up to ten days unpaid special leave for pregnancy-related reasons such as antenatal classes, scans or midwife appointments.

Partner's leave

If you're a spouse or partner and you meet the:

- Six month time criteria you may take one week's unpaid partner's leave
- Twelve month time criteria you may take two weeks' unpaid partner's leave.

You can take partner's leave within the timeframe:

- Starting 21 days before the due date of the baby, or the date your partner or spouse becomes the primary carer for a child under six years, and
- Ending 21 days after the baby is born (unless the baby is discharged from a hospital more than 21 days after the birth, in which case the partner's leave timeframe ends on the day the child is discharged) or the date your partner or spouse becomes the primary carer for the child.

If you and your employer agree, you can start your partner's leave at any time.

An employee can't take partner's leave if:

- She is the biological mother and she has transferred her parental leave payment entitlements to her spouse or partner; or
- The employee is the partner or spouse of the child's biological mother and she has transferred her parental leave payment to the employee (the employee will have primary responsibility for the day-to-day care of the child).

Extended Leave

The amount of extended leave that an employee may take depends on whether each parent meets either the six month or 12 month time criteria. Extended leave may be shared by two parents who both meet the criteria, and they can take it at the same time or one after the other:

- Employees who meet the 12 month criteria may take up to 52 weeks extended leave (extended leave is inclusive of the primary carer leave and if eligible, the University paid parental leave of up to nine weeks);
- If two parents are sharing the leave and they both meet the 12 month criteria then they share this amount, or
- Employees who meet the six month criteria may take up to 26 weeks in total (less the number of weeks primary carer leave taken, up to 18 weeks); if two parents are sharing the leave and they both meet the six month criteria then they share this amount.
- If one parent meets the 12 months criteria and the other parent the six months criteria then the person who has only worked for six months cannot take more than 26 weeks of the total 52 weeks (less the number of weeks primary carer leave taken up to 18 weeks) available to the couple.

The one or two weeks partner's leave is not included in the 26-week or 52-week extended leave period.

Starting extended leave

You can start extended leave:

- At any time after you end your primary carer leave, or
- At any time after you end your partner's leave, or
- On any date agreed with your employer, or
- If you can take primary carer or partner's leave but choose not to, then you can start extended leave either when the baby arrives if the child is born to you or your spouse or partner, or the date you or your spouse or partner becomes the primary carer in respect of the child in all other cases.

You can finish your primary carer or partner's leave, go back to work, and then take extended leave later. For an employee to be able to undertake multiple periods of extended leave the employer and employee must agree on the dates of each period of extended leave. (Refer Requirements concerning notice section on Page 8)

Ending extended leave

For an employee (and/or their spouse or partner) who meets the 12 month criteria, extended leave must end by the:

- Date the child turns one year if the child is born to the employee or their spouse or partner, or
- Twelve month anniversary of the employee or their spouse or partner becoming the primary carer in respect of the child.

For an employee who only meets the six month criteria (and whose spouse or partner doesn't meet the 12 month criteria), extended leave must end by the:

- Date the child turns six months if the child is born to the employee or their spouse or partner, or
- Six months from the date the employee or their spouse or partner became the primary carer of the child.

Negotiated Carers Leave

If you will be the primary carer of the child and would meet the [work time and hours criteria](#) to receive a parental leave payment, but you can't take primary carer leave (because you don't meet the criteria), you can ask for negotiated carer leave. This is an unpaid leave option. Please speak with your HR Advisor if you are interested in taking this option.

Preterm baby parental leave payments

Preterm baby parental leave payments may be available if a baby is born before the end of 36 weeks' gestation. These are in addition to parental leave payments.

If a person has a preterm baby and they return to work after they start getting a preterm baby payment or parental leave payment, their payments stop and they lose any remaining preterm payments. However, from 1 June 2017, they can still get their parental leave payments when they go back on parental leave, as long as it's no later than the original expected date of birth (had the baby not been born prematurely). Please find more information available [here](#).

Requirements concerning notice

If you wish to take parental leave, notice must be provided in writing to your Manager;

- Primary Carer Leave and Extended Leave – At least three months' notice, before the expected date of delivery accompanied by signed certificate by medical practitioner or midwife certifying the expected date of delivery
- Extended Leave only – three months' notice where an employee assumes primary carer responsibilities and wishes to take extended leave after the baby has been born
- Returning to work – At least one months' notice of intention to return to duty

Keeping In Touch (KIT) Days

While on parental leave you can choose (if your employer agrees) to perform work from time to time, for example, to attend a team day or change announcement as long as:

- You only do a total of 40 hours or less of paid work for your employer during your Primary Carer Leave of 18 weeks, and
- This work is not within the 28 days after your child was born.

If you do more than 40 hours or work within the 28 days after the birth of your child, then you're considered to be back at work. This also means that you won't be able to get any more parental leave payments, and any payments you received after you're considered back at work are treated as an overpayment.

These hours need to be recorded by your Manager and after your return to work advised to Payroll so you can be paid.

KIT days are not compulsory and should only be used by mutual agreement between you and your manager. You should also agree on terms of work and type of work to be undertaken.

(These keeping in touch days don't apply to paid work you perform during a period when you're getting or are able to get a preterm baby payment. See the following information on extra keeping in touch days for primary carers of preterm babies.) Please find more information available [here](#).

University Paid Parental Leave

In addition to the Government's payment, , the University offers eligible staff the option to take nine weeks of their parental leave (45 days full time, pro-rated for part time) on base salary. This payment is available to staff members who fulfil the following eligibility criteria:

- Staff who have completed twelve month's continuous service
- University Paid Parental Leave is paid at the employee's base rate of pay they received prior to taking parental leave.
- Staff who are intending to return to work after taking Parental Leave on a full time or part time basis
- Either parent is eligible but only one parent can receive paid leave if both are staff of the University of Auckland
- If you do not return to work at the University at the end of your leave, unless you are made redundant, you will be required to reimburse the University for any payments received under the University Paid Parental Leave provisions.

Flexibility

Eligible staff must take their University Paid Parental Leave in continuous blocks of one week or more within 52 weeks following the birth or adoption with the approval of their Manager. Paid Parental Leave cannot be accrued and must be taken within the 52 week period.

How do I apply for Parental Leave from the University?

- Have an initial conversation with your Manager, HR Advisor or HR Services Consultant if you have any questions
- Complete the University of Auckland [application form \(HR-25\)](#)
- Complete the [IR880 application form](#) (if you intended to apply for any leave offered by the Government)
- Append the certificate signed by a medical practitioner or midwife certifying the expected date of delivery to your application
- Submit the form to Human Resources at least three months before your EDD date

Continuity of Service

Whilst you are on parental leave your service is deemed continuous. For example, two years continuous employment plus one year of parental leave is equivalent to three years of service at the University.

Options for Parental Leave for Academic Staff

If you are an academic staff member who will not be taking lectures but will remain involved in the activities below;

- supervising students
- reading thesis drafts and examining
- participating in departmental seminars
- conducting research

You may wish to explore the opportunity to potentially return to work earlier on a fractional basis.

Please discuss the options with your Academic Head and/or HR Advisor.

What do I need to do before going on parental leave?

The following is a list of things you will need to do before going on parental leave?

- Apply for parental leave at least three months prior to the expected date of delivery or the date you wish to commence extended leave
- Fill in both the parental leave application form and the IR880 form (if applicable) and send this to HR Services via the Staff Service Centre (SSC)
- Discuss your parental leave and your long term intentions with your Manager
- Organise to hand over your duties and responsibilities
- Make alternative payment arrangements for payments which are usually deducted from your salary including health insurance, superannuation and suspend car parking (if applicable)

Returning to work

When returning to work after a period of parental leave there are a number of things to consider in terms of managing your return – be it on a full time or part time basis. If you are breastfeeding your child how will you continue to do so and what type of childcare arrangement will you have for your child? The University has a very comprehensive Toolkit for combining parenting and a career at the University available [here](#).

Using your annual leave, TOIL, alternative days prior to starting your Government Paid Parental Leave

Effective from 1 June 2017 you can now use your paid leave (e.g. annual leave, alternative days, or TOIL) before you start your Government Paid Parental leave. This means your Government Parental leave (PPL) payment period can start once you have utilised all of your entitled leave even if it's later than the child's arrival or due date. Before 1 June 2017, the Government Parental leave (PPL) payment period could not start later than the EDD or arrival date.

Applying for annual leave after returning from parental leave

It is recommended you use any leave balances you have prior to going on Parental Leave.

While you are on Parental Leave, the Parental Leave and Employment Protection Act 1987 Act entitles you to continue accruing annual leave at your normal entitlement.

If you become entitled to annual holidays during parental leave or in the following year, that holiday pay is paid at the rate of your average weekly earnings over the year before the annual holiday so will generally be paid at a lower rate.

(Note that if you have annual leave you are **entitled** to before going on parental leave but haven't used yet, then the normal rate of calculation for annual leave still applies to that leave.)

This means that if you take annual holidays soon after coming back from parental leave there's a high likelihood that the payment for annual holidays would be a smaller amount than if you took your annual holidays at a later time.

Frequently Asked Questions

I am on a casual or fixed term agreement with the University, am I eligible for parental leave?

Refer to page 4 for the eligibility flowchart and the Parental Leave website available [here](#).

Can I claim both the University Paid Parental Leave and the Government Paid Parental Leave?

If you have completed twelve months or more continuous service you may be entitled to the University Paid parental payment. Subject to entitlement, you can claim both payments.

What does claiming both types of leave mean?

It is up to you how you would like to structure your leave. If you have any annual leave/time off in lieu (TOIL) or alternate days, you might opt to utilise these first. Following that, depending on the length of your parental leave period, you can utilise the Government Paid Parental Leave, followed by the University Special Paid Parental Leave (subject to eligibility). If you take the Government Paid Leave and the University Paid Parental Leave concurrently it may have tax implications. Please discuss your circumstances with your HR Services Consultant.

When should I take my annual leave?

You should ideally utilise any annual or other leave balances before you commence your period of parental leave. From 1 June 2017 you can now use your paid leave before you start your Government Paid Parental leave. (Refer Page 13)

What happens to annual leave when I am on parental leave?

In the Holidays Act, parental leave is counted as continuous employment; this means any staff on parental leave under this Act will be accruing annual leave entitlement.

When you return to work you will have a high annual leave balance which has been accruing whilst you're away.

This leave is paid at the average weekly earnings for the 12 months (52 weeks) immediately before the end of the last pay period before the annual holiday.

If you have a balance of "**entitled**" **annual leave** earned and not taken prior to going on parental leave it will be paid at the value it was worth prior to taking parental leave.

It is very important for you to understand the difference between "accrued" and "entitled" leave as the values are very different.

Example:

Susie is taking a full year of parental leave commencing in May and returning to her role the following year in May. She has used ALL her annual leave up to when she goes on parental leave for one year. Susie returns to work one year later and within her first month, would like to take one day of annual leave. Susie's rate of pay for that day of annual leave will be paid at the rate of her average weekly earnings over the previous

12 months (52 weeks). This means that Susie will be paid at a lesser rate for that day of annual leave than her usual pay due to the fact that she was on “unpaid leave” for a significant portion of her parental leave entitlement.

As the spouse or partner of the primary care giver, or if I assume primary care of an eligible child under the Act , am I entitled to University Paid Parental Leave and how much?

If you have been with the University for a continuous period of twelve months and your application for parental leave is accepted by the University you may be entitled to take up to nine weeks of your entitlement as paid parental leave. This leave must be taken in blocks of one week or more over the full 52 week period. You need to take the entitlement within the 52 week period of the EDD date. If your partner also works at the University, only one is entitled to take this leave.

Any University paid parental leave that is granted must be taken before the relevant child is twelve months. Any unused entitlement to paid parental leave will expire when the relevant child attains the age of twelve months.

What happens if there are complications during/after pregnancy?

The University is sensitive to the needs of staff and their families and where possible will support them in the form of granting leave, arranging flexible work hours or providing more suitable duties, taking into account the University's requirements. The nature of this support is determined on an individual case by case basis after discussions with your Manager.

What happens if the birth is preterm and I am still working?

Should the birth be preterm, the commencement date of the parental leave is the first working day following your last day of work. The government provides further support for employees with preterm babies, further information is available [here](#).

What happens if I decide to return to work before my University paid leave has finished?

Should you decide to return to work before your University Paid Parental Leave has finished then you will not be entitled to the remaining monies outstanding. If you are asked to undertake work whilst on parental leave and you agree to do so, your University Paid Parental Leave will be extended by the appropriate amount of time providing this is outside of the Government Paid Parental Leave. If not then the Keeping in Touch policy would apply.

Can the length of my parental leave be extended or reduced?

Yes, the time you have away from work can be extended or reduced but not the amount of paid leave you are entitled to. You may apply to change the amount of leave once by providing the University with at least one month's written request. The University will consider all requests.

What happens if I work whilst on parental leave?

Whilst you are taking parental leave you are encouraged to spend time with your family. With the changes to the parental leave legislation that took effect on 1 April, 2016, as the Primary Carer, you are now allowed to work a maximum of 40 hrs under the Keeping in Touch (KIT) conditions, during the period of primary carer leave and not be deemed to have returned to work. Please find further information located [here](#) and discuss with your manager/HR Advisor.

What happens if I receive Government PPL payments and another source of income at the same time?

If you're also receiving another source of income (such as annual leave payments or the University Paid Parental Leave option) you'll need to use a secondary tax code for the lower payment amount. This will help you avoid a tax bill at the end of the year.

Will my job be kept open for me?

A staff member returning to work after parental leave is entitled to resume work in the same or a similar position unless it is a key position, which cannot be filled by a temporary replacement, or it is made redundant. "Similar" is defined as having an equivalent salary and grading, on the same campus and involving responsibilities broadly comparable with those exercised in their previous position

What do I do when I am ready to return to work?

You must provide the University with at least one month's notice in writing that you are returning to work either on the expected date of return in the original application for parental leave or to request an earlier commencement date. To enable the University to plan appropriate staffing levels you should provide the University with as much notice as possible. Payroll must be advised of your return to work date by your Manager to reactivate your fortnightly pay.

Can I return to work part time at the end of parental leave?

Circumstances permitting, you may be able to work reduced hours, or part time on returning to work. This will be considered on an individual case by case basis by your Manager. Again, you need to provide 21 days' notice in writing but ideally as much as possible for your request to be considered for part time employment.

What happens if I decide not to return from parental leave or my fixed term expires when I am on Parental leave?

You may resign by providing the University with written notice as per the period stated in your employment agreement. Employment will be deemed to have ended when your parental leave period began i.e. your last working day.

As a result, if you received the 9 weeks University Paid Parental Leave, then you will need to consider this as an overpayment of salary and discuss this with HR Services to repay the amount paid.

Please let your Manager know as soon as possible of your intentions so the appropriate planning can be done.

How can I stay in touch with the University whilst I am on parental leave?

It is a good idea to discuss with your Manager what kind of contact you would like with the University whilst you are on parental leave. You will still be able to access your email and staff intranet pages to keep up to date with University information when you are on leave.

What happens to my carpark whilst I am on parental leave?

Whilst you are on parental leave you will not be required to pay for your parking permit. You need to advise Car Parking of your leave and ask for access to be given upon your return or you may have to go on a waiting list.

Payroll also need to be advised so deductions can cease/recommence as required.

How will I receive my paid parental leave payment?

You will receive your nine weeks paid parental leave payment from the University as your normal salary would be paid.

The Government paid parental leave is also paid fortnightly. Prior to commencing parental leave and following lodging your application with the IRD, you will receive notification from IRD telling you when your payments will begin and end and confirming how much money you will receive. This money will also get direct credited into your nominated bank account.

What happens if I have deductions occurring from my salary when I go on Parental Leave?

You are responsible for advising any changes to deductions from your salary to any third party e.g. Kiwisaver, Insurance, childcare fees etc.

How would I be paid if I used the KIT hours?

If you use the KIT option then you and your Manager need to record these hours and advise Payroll upon your return to work so you can be paid.