



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.

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 6 may be entitled to:

- leave from their employment
- parental leave payments

Government Paid Parental 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.

There have been a number of enhancements to the Parental Leave and Employment Protection Act. A few of the key changes are outlined below:

- Parental leave payments are extended to non-standard workers (such as casual, seasonal, and employees with more than one employer) and those who have recently changed jobs
- Parental leave and payments also become available to eligible primary carers other than just biological or formal adoptive parents including Home for Life carers, whāngai, and grandparents raising a child in place of the child's parents
- Eligible parents of preterm babies will be able to receive additional weekly payments – up to 13 weeks – for each week the baby was born prior to the 37 week gestation period.

Eligibility

6 month employment criteria:

- An employee meets the 6 month criteria for parental leave if they have been employed by the same employer for at least an average of 10 hours a week in the 6 months just before the due date of the baby or the date they or their partner becomes the primary carer of the child under 6 permanently.

12 month employment criteria:

- An employee meets the 12 month criteria for parental leave if they have been employed by the same employer for at least an average of 10 hours a week in the 12 months just before the due date of the baby or the date they or their partner becomes the permanent primary carer of the child under 6.

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 6 years (and if there is more than 1 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 6-month employment test or the 12-month employment test.

Partner's leave

Fathers or partners are entitled to:

- one week of unpaid leave if you have worked for the University for six months for at least an average of 10 hours a week, or
- two weeks of unpaid leave if you have worked for 12 months for at least an average of 10 hours a week.

You can take this leave between 21 days before the expected birth, or the date your partner intends to become the primary carer, and 21 days after, unless you agree otherwise. This leave is in addition to any other parental leave you are sharing with your partner.

Special leave for pregnant employees

Pregnant employees can also take 10 days of unpaid special leave to attend, for example doctor's appointments and antenatal classes, before taking primary carer leave.

Extended Leave

The amount of extended leave that an employee may take depends on whether each parent meets either the 6 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 (less the number of weeks primary carer leave taken, up to 18 weeks and if eligible, less the University paid parental leave, up to 9 weeks); if 2 parents are sharing the leave and they both meet the 12 month criteria then they share this amount, or
- Employees who meet the 6 month criteria may take up to 26 weeks in total (less the number of weeks primary carer leave taken, up to 18 weeks); if 2 parents are sharing the leave and they both meet the 6 month criteria then they share this amount.
- If one parent meets the 12 months criteria and the other parent the 6 months criteria then the person who has only worked for 6 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 1 or 2 weeks partner's leave is not included in the 26-week or 52-week extended leave period.

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.

Keeping In Touch (KIT) Days

You can work up to 40 hours during the 18 weeks of primary carer leave. For example these hours could be used to keep up with skills development or training or completing a work handover, and can help you ease back into work. These hours need to be recorded by your Manager and Payroll advised when you return so you can be paid. KIT days are not compulsory and should only be used by mutual agreements between you and your manager. You should also agree on terms of work and type of work to be undertaken.

The baby must be at least 4 weeks old before the KIT days can be used (except in the case of pre-term babies, this rule does not apply).

Please refer to [website](#) for further information.

Please refer to the Employment NZ website [here](#) for further information.

University Paid Parental Leave

In addition to the Government leave options, the University offers eligible staff nine weeks (45 days) paid parental leave. This payment is available to both male and female staff members who fulfil the following eligibility criteria:

- Staff who have completed twelve month's continuous service
- 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

Flexibility

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

How do I apply for Parental Leave?

- Have an initial conversation with your manager and Human Resources
- Complete the [application form](#)
- 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 3 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 supervising students, reading thesis drafts and examining, participating in departmental seminars and conducting research, then you should consider maintaining a fractional appointment or potentially taking a period of leave upfront then returning 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 3 months prior to the expected date of delivery
- Fill in both the parental leave application form and the IR880 form (If applicable) and send this to Human Resources
- Discuss your parental leave and your long term intentions with your Manager/Human Resources
- 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)

Frequently Asked Questions

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

Please discuss your entitlement to parental leave with Human Resources as a number of factors need to be considered.

I am a casual staff member with the University, am I eligible for parental leave?

If you meet the requirements, you may be eligible for the government leave options. There is no entitlement to the University Paid Parental Leave for casual staff. Please visit the [website](#) for further information.

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

Yes, if you have been employed by the University for a continuous period of one year.

What does claiming both types of leave mean?

The Government Paid Parental Leave (18 weeks leave) is driven by your EDD date so must be taken first. You can opt to take your University Paid Parental Leave after the government paid leave. If you take them both at same time it **may** impact your tax as you will effectively be being paid twice. Please discuss your circumstances with your Human Resources Advisor.

When should I take my annual leave?

You should ideally utilise **all** your **annual leave balance** before you commence your period of parental leave.

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.

Any **entitled annual leave** earned prior to going on parental leave is not affected and will be paid at the value it was worth prior to taking parental leave.

Example:

Susie is taking a full year of parental leave commencing in May and returning to her role the following year in May. Susie returns to work 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 a male, am I entitled to University Paid Parental Leave and how much?

Yes, you are entitled to parental leave. If you have been with the University for a continuous period of one year you are entitled to take up to **nine weeks paid** parental leave. This leave can 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.

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.

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

Should the birth be premature 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 premature 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.

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 21 days 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, you are now allowed to work a maximum of 40 hrs under the Keeping in Touch (KIT) conditions and not be deemed to have returned to work. Please find further information located [here](#) and discuss with your manager/HR Advisor.

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 21 days' 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.

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 and Human Resources. 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?

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. 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 you need to discuss this with your HR Advisor.

Please let the University 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/Human Resources 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. Upon returning to work you will again be given access to a parking permit and will not have to go on the waiting list. Deductions from your salary for payment for the parking permit will then recommence.

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. Southern Cross, childcare fees etc.

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](#).