Ministry for the Environment
Manatū Mō Te Taiao

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INDIVIDUAL EMPLOYMENT AGREEMENT

Making Aotearoa New Zealand the most liveable place in the world.

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Introduction to this Agreement

The Ministry for the Environment is a Public Sector agency and it recognises its first responsibility is to the Minister for the Environment and the Minister Responsible for Climate Change Issues. Public sector employment agreements recognise that public resources are used to provide fair terms and conditions, as well as meeting the public's perception of what are appropriate standard terms and conditions of employment.

Objectives for this Agreement

Recognising that the needs of the Ministry and staff are interdependent, both parties acknowledge the need to have an agreement that reflects the needs of staff and the business direction of the Ministry. The objectives of this employment agreement are to:

- be aligned with the Ministry's statement of intent and Strategic Direction
- assist the Ministry to recruit and retain high quality staff
- promote and maintain trust and openness (mutual respect) between staff and management
- be affordable for the Ministry
- provide an enjoyable and productive environment for staff to work in
- be consistent with best practice in the Public Sector and the State Sector Act
- reflect the unique culture and requirements of the Ministry
- provide quality service from quality jobs and quality management
- be flexible to accommodate the dynamic mix of people employed by the Ministry.
- Value the Treaty of Waitangi and hold our Treaty partnership responsibilities as fundamental to all activities
- Provide access for all employees to learning and development opportunities related to their professional and career development within the Ministry.

Part A – Terms of this Agreement

1. Parties to this Agreement

The Chief Executive of the Ministry for the Environment (MfE) and

_____(the Employee)

2. Variation to this Agreement

Individuals can negotiate additional terms and conditions mutually agreed to by the employee and employer.

3. Internal Policies and Procedures

The Ministry operates a set of policies and procedures that are important for the effective and proper operation of the Ministry. You must familiarise yourself and comply with these. The policies and procedures will be updated when required and new policies and procedures may be introduced. The Ministry will ensure that all employees are advised of any changes to policies and procedures and where necessary will educate all employees on new requirements.

4. Confidentiality

All information acquired by you through your employment with the Ministry must be kept confidential and must not be disclosed to any other person except in the proper performance of the employee's employment or as required by law. Information in this context includes computer programmes and systems, documentation, data and Ministry related correspondence, internal and external. Exceptions to this must be discussed with your manager prior to any disclosure. All material produced in the course of your employment remains the property of the Ministry for the Environment, including copyright and intellectual property rights.

5. Definitions

‘Agreement’	This Employment Agreement
‘Ministry’	Ministry for the Environment
‘Employer’	Ministry for the Environment
'Manager'	The person you report to at the Ministry who has the title Manager
‘Team Leader’	The person you report to at the Ministry who has the title Team Leader
‘Delegated Manager’	A Manager who has been delegated the authority to make a decision under the Ministry’s delegation policy. This may be the line Manager or a higher management tier.
‘Employee’	Permanent Staff Member or Fixed-Term Staff Member
‘Part-Time Employee’	Ministry Employee - employed for less than 38 hours per week
'Staff'	as per 'Employee' above
'Management'’	Managers who have employees reporting to them
'Short-Term'	A period of time up to six months
'Long-Term'	A period of time more than six months
'HR' – P and C	People and Culture.
‘Dependent’	Anyone who relies on or is dependent on you for their financial, physical, mental or emotional well-being
‘Working Day’ or 'Day'	A day on which you would normally work (Monday – Friday for full time employee)
'Service'	Relates to the period of time employed at the Ministry for the Environment. If an employee leaves the employment of the Ministry then upon return they can include their previous Ministry for the Environment service.
'Out of Town'	In a city or town other than your normal place of work
‘Consensus’	A group decision that is acceptable to all members of the group
‘Consultation’	The process by which an individual or individuals seek and considers the opinions, advice and ideas of other individual(s) before making a decision.

Part B – Employment Conditions

6 Flexible Working Arrangements

6.1 Ordinary Hours

The ordinary hours of work for full time employees shall be 38 hours each week to be worked between 7am and 7pm daily, Monday to Friday inclusive, with not less than half an hour to be taken for a meal break. In addition you should ensure you get breaks away from your work area over the course of the day. Principles:

- the Ministry supports balancing personal and family commitments with working responsibilities
- you have access to a variety of flexible working arrangements
- any flexible working arrangement will be recorded in writing
- successful flexible work arrangements require flexibility and co-operation by you and the Ministry.
- the type of flexible arrangement, its duration and the hours and days shall be determined by mutual agreement between you and your manager in conjunction with People and Culture. The delegated Manager is required to sign off this agreement.
- each arrangement will be reviewed after three months and again after 12 months to ensure it is meeting the Ministry's and the staff member's needs. The arrangement may be reviewed otherwise if agreed by you and your Manager.

6.2 Options

Short-term arrangements such as:

- reduced working hours
- leave without pay (for more details refer to clause 12.5 of this agreement)

may be accommodated within an existing position with some variation to objectives and with minimal impact on the staff member's working group.

Longer-term options such as:

- part-time
- job sharing
- longer periods of leave without pay

require an assessment of the impact of the arrangement on the group and its ability to meet its objectives. (For more details refer to clause 12.5 of this agreement).

6.3 Reduced Working Hours

Reduced working hours are a short-term period where hours are reduced for a maximum of three months before reviewing the arrangement or resuming original fulltime hours. Reduced working hours can assist with a temporary and short-term event such as transitioning back into the workforce. The term and degree of reduced hours shall be agreed between you and your manager, taking into account the situation that has caused the need for reduced hours. The Delegated Manager is required to sign off this agreement.

6.4 Part-Time (less than 38 hours per week)

Permanent part-time positions occasionally are available and are open to applications.

6.5 Job Sharing

Job sharing is when one full time equivalent position has been split between two people.

Criteria will be negotiated between yourself and your manager that sets out the agreed process for handling statutory holidays, conflicts of interest with other employment, and when one person resigns from the job sharing arrangement.

If the job-sharing arrangement ceases, the position reverts to a full time position, unless another job-sharing arrangement is implemented.

6.6 Working Away From the Office

Other than short irregular and informal periods of working away from the office, a formal arrangement may be entered into for longer or regular periods of working away from the office. It is important that any arrangement suits both you and the Ministry.

7 Meeting Variable Work Demands

The work we do in the Ministry requires a high degree of flexibility to meet changing demands. It is important that we are able to adapt and respond in this environment. This could mean that you change team on a short or long term basis or permanently; or that you work across a number of teams or projects on a range of different work. When making resourcing decisions all relevant considerations including peoples preferences and opportunities for development will be taken into account. When deciding how to resource our work the following will be considered:

- collaboration is a core behavior in the Ministry. This means you may, within fair and reasonable boundaries, need to undertake work in other teams or in project teams from time to time.

Where new work is being considered or where staff leave and need to be replaced, consideration will be given to resourcing the work from within MfE and / or recruiting externally. Any Manager making such a resourcing decision will discuss with those impacted how the work is resourced. When considering how to resource our work the Ministry will take into account:

  - the importance of providing opportunity and professional development
  - knowledge, skills and experience
  - work preference
  - team balance
  - the impact on the teams involved.

- In order to ensure transparency and to provide clarity about a resourcing decision, the Manager making the decision will clearly communicate the decision to those involved in discussions and those impacted by the decision. This communication shall be made in a timely manner.
- You have the opportunity to express your career preferences and development choices in the performance and development planning processes.
- Any work you are asked to undertake will be within the scope of your position description. However, if it is agreed, you may be seconded to other positions within the Ministry.
- If you are required to change team or reporting line, this will be discussed with you before a decision is made and your views will be taken into account.

For information on significant change in the Ministry see the Management of Change provisions in Clause 14.

8 Remuneration

8.1 Principles

The principles of the remuneration system are:

- it reflects the mission and strategic direction of MfE
- it is competitive within relevant markets
- it is fiscally responsible and affordable
- it significantly contributes to recruitment, recognition and retention;
- it is fair, equitable and transparent
- it recognises performance and supports development
- it is simple to use and easy to understand.

8.1.1 Components of the Remuneration System

The two components of the Remuneration system are:

- salary ranges that are competitive against similar jobs within the Ministry and against the Public Sector / government market
- a salary range for each position which recognises increasing levels of performance and a progression process to assist with this.

8.2 Overtime

You will be paid overtime if all of the following are met:

- your base salary is less than $46,710 per annum
- the overtime does not exceed $2000 per annum in total
- you have already worked 76 hours during the pay period (which is fortnightly). This includes hours worked on Saturdays, Sundays and other holidays
- your manager agreed and / or requested you to work the additional hours before they were worked.

You may take time off in lieu of overtime payments provided it is agreed with your manager. The need for additional hours in the longer term must be addressed in other ways, e.g. the allocation of additional resources or the employment of additional staff.

Subject to the criteria above, overtime will be paid at the rate of time one and a half (T1½) for the first three hours and double time (T2) thereafter.

8.3 Time in Lieu

The Ministry is a professional team based organisation and expects hours of work will be those reasonably necessary to achieve individual objectives and generally meet the Ministry's responsibilities to the Minister. This requires that services be delivered at times that are convenient to the Ministry's stakeholders and on time. The Ministry also recognises its responsibility to provide a safe working environment

that recognises work / life balance and does not place unreasonable demands on staff.

Principles for additional work and the utilisation of time in lieu:

- the Ministry will endeavour to match work demands to reasonable working hours
- all managers have the responsibility to monitor the workloads of individual staff
- when circumstances require you to work significant periods of work, in excess of your normal hours of work, it may be addressed by time in lieu
- time in lieu can be recognised up to but not exceed the actual additional hours worked
- time in lieu is to be used within a reasonable period of time from when the additional work occurred, ideally within one month.

Time in lieu should only be available for discrete jobs or tasks and should not be used for managing general work. The Ministry will endeavour to recognise any significant periods of work outside of a normal working day through time in lieu. An example of a significant period of work is where half a day or more is worked in a seven day week. Time in lieu will be mutually agreed in advance with your Manager.

Where the nature of the job requires significant planned periods of travel or for other reasons requires regular work outside of ordinary hours, specific arrangements may be put in place to address those circumstances. Such arrangements provide means of recognising or compensating staff for significant additional periods of work or travel away from home on Ministry business where it may not be practical to record or utilise time in lieu. This may include part payment.

Time in lieu does not apply where other terms and conditions of employment are in place (within this agreement or otherwise) to address additional hours of work or where there is a specific requirement that is a part of your position.

8.4 Call back allowance

Specific arrangements apply to Information Management staff or other staff who are required to be on stand-by or who may be required to be called into the office or work remotely to respond to problems. These arrangements are outlined in schedule 1.

9 Expense Reimbursement and Allowances

9.1 Travelling Out Of Town

The Ministry is committed to reducing our impact on the environment and therefore ensure that travel is made only when necessary.

The Ministry will reimburse you for all actual and reasonable expenses incurred solely in respect of your work with the Ministry. For a guideline on amounts to be reimbursed please refer to the Travel Policy.

The Ministry will ensure that all staff members are able to travel in ways that are safe, comfortable and convenient to effectively achieve the Ministry's business. In particular the Ministry will:

- ensure that accommodation used is convenient, safe and secure and has a reasonable standard of amenities
- provide meal and related allowances in line with the Ministry's Travel Policy
- reimburse reasonable expenses incurred on behalf of the Ministry
- provide other facilities as appropriate to assist staff in their arrangements, such as Ministry calling cards and corporate credit cards.

You must seek the approval of your manager prior to incurring any expenses.
Travel and accommodation costs are at the expense of the Ministry. For guidelines please refer to the Travel Policy.

9.2 Dependent Care Reimbursement

(Applies when working abnormal hours or away from the office)

When an employee attends a course or is travelling out of town on official business or is required to work abnormal hours and the situation is such that they cannot make alternative arrangements for the care of their dependants without incurring an extra personal cost, upon receipt actual and reasonable expenses may be reimbursed.

9.3 Professional Fees

The Ministry will pay your fees if you wish to join a professional organisation that relates to the position you are employed in and that will be of benefit to yourself and the Ministry. Approval must be obtained from your Manager. The Ministry will pay the full cost of practicing certificates where these are a requirement of your position.

9.4 Te Reo Māori Competency Allowance

If you have been certified by the Māori Language Commission for your skills in Te Reo you will be paid an annual allowance according to your proficiency.
This will not be paid when Māori language / skills / knowledge of culture is a job requirement and is rewarded within the level of remuneration for that position.

Level Finder Attestations	Gross annual allowance
Level 5	$2,200
Level 4	$2,000
Level 3	$1,800
Level 2	$800
Level 1	$700

9.5 Eye Tests

If you use a computer in your position at the Ministry you shall be entitled to an eye test at the Ministry's expense. If you require new or updated lenses and you meet the criteria set out in the Ministry's Eye Test Policy you will be reimbursed upon receipt for these. The maximum amount you can claim is $300 per annum.

9.6 Higher Duties

If you are required to work more than 10 consecutive working days in a more senior position you will be paid a higher duties allowance. The amount of this allowance will depend on the length of time in the position and whether you have taken on some or all of the duties and responsibilities that go with that position.
You will be paid in addition to your current salary:

- an amount up to 10% of your current salary; or
- in the case of full duties and responsibilities when acting in the position for a long term period, the difference between your current salary and the salary you would be paid if appointed to that position.

If a person 'acting' in a senior position is subsequently appointed to that position a backdating of the appointment date to the commencement of duties may be granted to them.

9.7 Special Duties

Where you are asked by the Ministry to undertake duties for a long term period of time that clearly exceed the nature and scope of your duties, and where the higher duties allowance is not payable, you may be paid a special duties allowance.

10 Learning and Development

10.1 Principle

The Ministry promotes an adaptable, learning culture that encourages its staff to perform and develop.

10.2 Objective

The Ministry will ensure that all staff are provided with reasonable learning and development opportunities that enable them to do the job and maintain knowledge in their relevant field and any career development opportunity that is agreed to be mutually beneficial.

Staff members will undertake all reasonable learning and development opportunities to enable them to do their job and maintain knowledge in their relevant field and any career development opportunity that is agreed to be mutually beneficial.

Employees and managers are responsible for ensuring that a learning and development plan is prepared, mutually agreed and updated annually. The purpose of this plan is to set out a series of learning objectives with timelines identifying the responsibilities for each part.

10.3 Method

You and your manager are responsible for ensuring that a Development Plan is prepared, mutually agreed and updated annually. The purpose of this plan is to set out a series of training objectives with timelines, identifying the responsibilities of each party.

11 Health and Wellbeing

11.1 Health and Wellbeing Principles

The Ministry is committed to the health and safety of employees. Together with employees we will work to build and maintain a work environment that supports the wellbeing of all individuals. The Ministry recognises that the health of employees is important to a productive and efficient workplace and that the promotion of health and wellbeing is preferable to responding to illness and accidents.

The Ministry will involve employees in the ongoing development of health and wellbeing initiatives, processes and systems and employees will actively participate in the development of these.

11.2 The Ministry's responsibilities:

- comply with the Health and Safety at Work Act 2015 and any other relevant legislation
- comply with any regulations and codes of practice pertaining to health and safety
- provide necessary safety equipment, procedures and training
- operate policies and procedures that provide for a safe working environment
- facilitate a participative health and safety committee.

11.3 Employees' responsibilities:

- to take reasonable care for their own health and safety and that of others who may be affected by what they do or do not do
- to work co-operatively with the Ministry in addressing health and safety issues
- to be aware of and to follow the emergency procedures of the area in which they are working
- to immediately report any accident, hazard or sub-standard conditions to the appropriate person.

12 Leave

All leave must be recorded using the appropriate leave reporting process in your Employee Kiosk.

12.1 Recognition of Continuous Service

The Ministry will recognise prior service from 13 May 2003 with other departments of the Public Service (as specified in the First Schedule of the State Sector Act 1988), and with any Crown Entity (excluding District Health Boards and the Education service) as defined in the State Sector Act 1988 (e.g. School Boards of Trustees and Tertiary Education Institutions), for the purpose of calculating continuous service for leave entitlements. Leave for which continuous service is recognised is annual and long service (and parental leave).

Continuous service after 13 May 2003 will be deemed to be broken:

- after 15 months break in service
- after four years break in service if the break in service was for childcare purposes
- where redundancy has been paid out for a prior service.

Otherwise any break in service will be treated as interrupted service but not broken.

For the purposes of recognising service you will be required to provide evidence of prior service. The Ministry will maintain a record of this prior service for the purposes of calculating leave entitlements. Evidence of prior service should be a

letter from your previous employer/s stating:

- start and finish date
- any Leave Without Pay or other leave that interrupts service taken
- any Long Service Leave taken
- whether redundancy has been paid out for any period of service.

12.2 Statutory leave

The following are holidays on pay in addition to annual leave (if they fall on a day on which you would normally work):-

- Christmas Day and Boxing Day
- New Year's Day and 2 January
- Waitangi Day
- Good Friday and Easter Monday
- Anzac Day
- Queen's Birthday
- Labour Day
- The anniversary of the province in which you work.

If you work on one of the above days you will be entitled to receive payment at the rate equivalent to time and one half of your hourly rate for time worked. In addition you will be granted a paid alternative day off to be taken at a time mutually agreed between you and your manager but normally within 12 months of the entitlement falling due. The delegated Manager must approve work on statutory holidays and any payment or time in lieu.

12.3 Annual Leave

Nothing in this provision limits rights or obligations under the Holidays Act 2003.

You will initially be entitled to 20 days annual leave. You will be entitled to 22 days annual leave as follows:

- after five complete years of relevant service
- upon commencement of employment at the Ministry or within the first five years of employment with the Ministry once you have completed five years work experience that relates directly to the work you have been employed to do
- if you have 5 years continuous service as defined in clause 12.1.

You may be permitted to anticipate up to half the annual leave entitlement due subject to refund on resignation if necessary.

The timing of annual leave will be decided by agreement, taking into account work requirements and your personal preferences. In the event that agreement cannot be reached between you and your manager you may be asked to take annual leave at

certain times, in which case a minimum of 14 days written notice shall be given to you.

As far as practical your wishes will be considered on this matter.
Wherever possible annual leave shall be taken in the year in which it is granted. You may carry over 10 days (i.e. 76 hours), however you may not carry over more than 10 days annual leave without your manager's prior written approval. At any one time you normally should not have accumulated more than two weeks entitlement above your annual leave entitlement.

Periods of illness or injury during annual leave can be recredited to your annual leave entitlement by agreement between you and the Ministry.

If you are a part-time worker you will accumulate annual leave on a pro-rata basis. Payment for annual leave will be paid in the pay that relates to the period during which the holiday is taken.

12.4 Ministry Holidays

Upon commencement of employment at the Ministry you will be entitled to three paid Ministry holidays if they fall on a day on which you would normally work. The Ministry days are to be taken in the period after Boxing Day and before New Year's Day.

12.5 Leave Without Pay

You may apply for leave without pay for any period and the Ministry will make reasonable efforts to accommodate such requests. Each application will be considered according to its merits with a decision made taking account of the circumstances of the individual as made known to the Ministry and the operational needs of the Ministry.

The following criteria will be considered when deciding whether to approve leave without pay:

- would granting the request support your work-life balance?
- would granting the request contribute to your development?
- would granting the request help the Ministry retain you as an employee?
- does your reason for requesting leave suggest a reasonable likelihood that you will return to the Ministry?
- your length of service.

All annual leave will be expected to be taken prior to the commencement of extended leave without pay.

Approved leave without pay for periods in excess of one month will be regarded as extended leave.
For extended leave without pay of more than one month and up to three months, your position will be held open and service will be interrupted but not broken. For extended leave without pay of more than three months and up to 15 months

you are not guaranteed placement in either the same job or a new job at the end of the period of leave. If a suitable position is found, your service will then be treated as interrupted but not broken. If no job is found before the end of the preference period (i.e. the period for which leave without pay has been approved) your employment will terminate. The last day of service will be recognised as the original date that the extended leave commenced.

12.6 Sick Leave

12.6.1 Holidays Act 2003

Nothing in this provision limits rights or obligations under the Holidays Act 2003.

12.6.2 Policy

This provision relies on mutual trust between you and the Ministry, and between you and your colleagues. It is based on the belief that, if you are genuinely ill or injured, you should be able to have actual and reasonable paid time off work to recover from any incapacity without fear of immediate termination or loss of pay. In all cases the Ministry will endeavour to actively support you returning to work following a period of absence.

Breaches of the sick leave provisions will be investigated under the disciplinary process (please refer to clause 13.1 of this Agreement).

Sick leave will be pro-rated for part-time employees.

12.6.2.1 Qualifying Period

For the first three months of your employment you will be entitled to up to seven days sick leave. After this period you will be eligible to be part of the Ministry's sick leave provisions.

12.6.2.2 Notification and Approval of Absence

When you are taking sick leave you must inform your manager as soon as possible of your absence from the office. This would preferably be in the first two hours you are due to arrive at work. In all cases sick leave is to be approved by your manager.

If your manager has concerns about the length, pattern, frequency or authenticity of leave being taken then this will be discussed with you in consultation with the Human Resources Team. As a result you may be required to obtain a medical certificate to confirm your eligibility for sick leave regardless of the duration of leave taken. You should be aware of your right to have a representative at such a meeting.

12.6.3 Managing your absence - Continuous absence

Time Frame	Status	What happens	Why	Payment Status
0-4 consecutive days		Staff member to advise manager on first day of sick leave	No further action required	Paid sick leave
5-14 consecutive working days	Indication when likely to return.	Regular contact must be made between the staff member and the manager. The manager may seek medical certificate at this stage.	Assist planning for return to work options include-rehabilitation, part-time work, changed duties if required.	Paid sick leave as required.
	No indication of return.	Medical certificate required. Monitor and manage absence.		Paid sick leave as required.
15-20 consecutive working days	Indication when likely to return.	Medical certificates required, Manager and staff member to discuss return to work.	Consider other options, part-time work, changed duties.	Paid sick leave as required
	No indication of return to work.	Medical certificates required, consider impacts on other staff and workloads. Manager and staff member to discuss return to work. Monitor and manage absence.	Further information from a medical practitioner at the Ministry's expense may be required to assist in the staff member return to work. Consider other options, EAP, rehabilitation, part-time work, changed duties.	Continued paid sick leave. Periods of annual leave may be considered.

Time Frame	Status	What happens	Why	Payment Status
21-39 consecutive working days	Indication when likely to return.	Medical certificates required, Manager and staff member to discuss return to work.	Consider impacts on other staff and workloads. Consider other options, part-time work, changed duties.	Paid leave as required.
	No indication of return to work.	Medical certificates required, consider impacts on other staff and workloads. Manager and staff member to discuss return to work. Monitor and manage absence.	Further information from a medical practitioner is required to assist in your return to work. Consider other options, EAP, rehabilitation, part-time work, changed duties.	Continued paid sick leave as required. Periods of annual leave may be considered.
40-59 consecutive working days		Consider if position can be held open.	Assist in planning for return to work options include-rehabilitation, part-time work, changed duties.	Options include: paid sick leave; reduced pay leave without pay.
60 consecutive working days leave		If the staff member is unable to fulfil duties due to medical reasons and will continue to be unable in the foreseeable future they may be required to retire on medical grounds.	A final decision will be confirmed by medical assessment by two medical practitioners one nominated by the Ministry one by the staff member.	Options include: ** paid sick leave; reduced pay leave without pay or medical retirement with a minimum of 65 working days pay.

12.6.4 Managing your absence - Intermittent absence

Time Frame	What happens	Why	Payment Status
16-19 days over a 12 month period	Manager and staff member to meet to discuss causes for absences and impact on work.	Consider if any aspects of the workplace are contributing to frequency of absence.	Paid leave as required.
20-39 days over a 12 month period	Medical certificates required for every absence over 2 days. Consider impacts on other staff and workloads. Manager to monitor and manage absence.	Consider other options, EAP, part-time work, changed duties. Further information from a medical practitioner at the Ministry's expense may be required to inform option decisions.	Paid leave as required.
40-59 days over a 12 month period	Medical certificates required for every absence regardless of duration.	Assist in planning for return to work, options including part-time work or changed duties.	Options include: paid sick leave; reduced pay; leave without pay

** In deciding which option is applied consideration will be given to your length of service, previous sick leave use and prognosis.

If you have had an extended period of consecutive leave in the past and require a further period of extended absence greater than 15 days (continuous or intermittent) the options available will be discussed with you and will be based on your individual circumstances.

12.7 Medical Retirement

If it becomes apparent that you are unable to fulfil the duties of your position due to medical reasons, you may be required to retire on medical grounds. A final decision on medical retirement will be confirmed by a medical assessment by two independent medical practitioners, one nominated by your manager and one nominated by yourself. In the event you are medically retired, you will receive a minimum of 65 working days pay.

12.8 Caring For Dependents

The definition of a dependent is broad and takes into account the many differences amongst our staff. It includes anyone who relies on or is dependent on the staff member for their physical or psychological well-being. Leave to care for a dependent covers the situation where the dependant is sick or injured and is not intended for long term care.

If this period extends beyond five days in one instance, or over a total of ten days in the previous 12 month period then other options will be considered for the staff member on a case by case basis. These may include the staff member using their

annual leave, leave without pay, and / or flexible working arrangements. Additional support may be provided from the Ministry's Employee Assistance Programme.

Leave to care for dependents will be pro-rated for part-time employees.

12.9 Bereavement / Tangihanga Leave

You will be granted special bereavement leave on full pay to discharge your obligations and / or to pay your respects to a deceased person with whom you have had a close association. Such obligations may exist because of blood or family ties or because of particular cultural requirements such as attendance at part or all of a Tangihanga (or its equivalent).

The period of the bereavement leave will be agreed between you and the Ministry.

- You will be entitled to a minimum of three days paid bereavement leave on the death of a close relative.
- You will be entitled to a minimum of one day's paid leave on the death of any other person if your manager accepts that you have suffered bereavement.
- You will be entitled to a minimum of one day's paid leave to attend an unveiling.

Additional time needed for travel will also be considered.

Where you suffer bereavement while on another form of leave, except for public holidays, that period will be recorded as bereavement leave.

12.10 Other Special Leave

You may apply for paid or unpaid special leave for jury service, attendances at conferences or seminars and attendance as a witness in Court proceedings, or other approved purposes. If you are required to attend jury service your position will be kept open for an indefinite period. Approval of the leave requested is made by, and at the discretion of, your manager. In the event of a genuine unplanned emergency situation that requires your attendance the Ministry may approve emergency leave which could be paid or unpaid. This will be assessed on a case by case basis.

12.11 Volunteers Service (Armed Forces) Leave

Volunteer Service shall be allowed in accordance with the Volunteers Employment Protection Act 1973 (including any amendments or replacement). You are entitled to paid time off up to twelve weeks for initial training, and up to four weeks each year thereafter will be provided. You will refund the lesser amount of either salary or military pay. Additional leave without pay of up to twelve months will be made available to you when undertaking peacekeeping duties.

12.12 Study Leave

Permanent employees may be granted leave to undertake a programme of study as agreed with the Ministry and in accordance with the Ministry's Study Assistance

Guidelines. Support for study leave may include paid or unpaid leave for attendance at lectures, tutorials, workshops, and attendance and preparation for examinations or assessments; contribution to course fees; or use of work facilities.

12.13 Parental Leave

Parental leave will be granted in accordance with the provisions of the Parental Leave and Employment Protection Act 1987 (as amended or replaced), except where specifically varied in this agreement.

The minimum entitlements of the Parental Leave and Employment Protection Act will be applied in accordance with the provisions of that Act and include the following entitlements:

- Primary carers leave not exceeding (except in certain limited circumstance) 18 weeks
- Up to 10 days discretionary leave for reasons connected with the pregnancy prior to taking primary carers leave;
- Up to two weeks leave for partners of the primary carer either prior to or post the expected date of delivery (at MfE one week is paid and the second week unpaid).
- Extended leave of:
    - 26 weeks extended leave for any employee who has been continuously employed for less than 12 months; or
    - 52 weeks extended leave for any employee who has been continuously employed for more than 12 months;

In accordance with the Parental Leave and Employment Protection Act, it will be presumed, subject to the limited exceptions in the Act, that the Ministry will be able to keep your position open for until the end of your parental leave.

For permanent employees who have been continuously employed by the Ministry for a period of more than 12 months, the following additional entitlements are available:

- An additional period of 52 weeks extended leave up to a total of 104 weeks.

Employees continue to accrue annual holidays during a period of parental leave. The Ministry will pay for those annual holidays in accordance with the provisions of the Parental Leave and Employment Protection Act 1987. In addition, subject to meeting the below criteria, the Ministry offers additional benefits as set out below:

- Subject to the employee returning to work after a period of parental leave:
- The Ministry will pay for annual holidays accumulated during the parental leave period at the employee's ordinary rate of pay, which will be the employee's base salary (gross) at the time of going on parental leave, exclusive of any allowances or additional payments that may have been paid during the period prior to taking parental leave. Where the provisions of the

Parental leave and Employment Protection Act 1987 provide for a higher rate of pay, then that rate will apply.

- Should an employee resign during a period of parental leave the payment for any untaken annual holiday entitlement will be in accordance with the statutory minimum.
- Should an employee resign during their first 12 months back at work following a period of parental leave, any untaken annual holiday entitlement will be paid in accordance with the statutory minimum.

Note — it is possible for an employee who takes two years' parental leave to return to work with 8 weeks of annual holiday's entitlement. This leave may be utilised to help transition back to work, e.g. using annual holiday each week or at regular intervals. It is expected the annual holiday entitlement earned during a period of parental leave will be utilised within the first 12 months following an employee's return to work.

An employee must advise their manager, in writing, no later than 21 days before their parental leave ends whether or not they will be returning to work. If an employee decides not to return to work at the end of their parental leave, their employment is considered to have ended on the day they started parental leave.

12.13.1 Ex-Gratia Payment

An employee, who has been on maternity and / or extended leave for at least six weeks and had care of their child in terms of the Act, and who returns to work and completes six months service, will qualify for an ex gratia lump sum taxable payment equivalent to 30 working days, based on the annual rate of pay and hours of work prior to going on parental leave.

If the employee took less than 30 working days leave, the payment will be prorated.
If an employee and their partner both work for a state sector employer, only one will be eligible for the payment.

12.13.2 Phasing your Return to Work

You can phase your return to work by working reduced hours for a maximum of three months. You can apply to your manager to extend this arrangement up to a total of 12 months. Any agreement to extend this arrangement will take into account your needs as well as your groups' needs to meet work objectives and the resources available.

12.14 Long Service Leave

If you have recognised continuous service, in accordance with clause 12.1, you will be entitled to two weeks' long service after 10 years continuous service. You will receive one whole week after every five years continuous service thereafter.

If you do not have recognised continuous service prior to commencing employment

with the Ministry, you will be entitled to one week's long service leave after 5 years of employment with the Ministry. You will receive one whole week after every five years continuous service thereafter.

Any period of leave without pay greater than one month will be interrupted service for calculating your entitlement to long service leave.

For the purpose of long service leave, one week of leave will be either:

- five days if you currently work full time
- if you currently work part time, the average of your part time hours over the contributory period of employment.

Long service leave will not accumulate from one qualifying period to another and will be taken before the next entitlement falls due or be forfeited. If you resign (or have given notice of resignation), or are dismissed, you will forfeit any untaken long service leave to which you may be entitled and therefore it will not be paid out. Long service leave will be paid at ordinary rates of pay.

If you have previous entitlement to long service leave from a recognised public service department or crown entity; you must provide a record of your current entitlement to long service leave (if any), including any long service leave taken.

13 Terms of your Employment

13.1 Disciplinary Process

The Ministry requires all disciplinary and dismissal matters be dealt with fairly, promptly, consistently and in conformity with legislation, policy requirements and guidelines. Where possible the focus will be on correcting unacceptable behaviour.

In the event of a discipline or dismissal process being implemented the following principles apply:

- you will receive a fair hearing
- you will be made aware of the right to representation by a support person, union representative or another legally qualified person
- any investigation will be conducted as soon as practicable and in a timely manner
- you will be provided in writing the specific allegation / issue that is causing concern
- you will have an opportunity to be heard, allowed to present your case, and respond to allegations prior to any decisions being made
- you will be made aware of the likely consequence if the allegation is proven
- the person making the decision has the required delegated authority and all information to make a decision.

13.2 Suspension

In the event the Ministry wishes to investigate any alleged misconduct, it may, after discussing the proposal of suspension with you, and if applicable your representative, and considering your views, suspend you on pay whilst the investigation is carried out.

13.3 Employment Relationship Problem Resolution

The Ministry is committed to the prompt resolution of disputes. When possible you should first raise any issue directly with your manager. You and your manager would then meet to discuss and try to resolve the issue informally.

The People and Culture team may be asked by either your manager or yourself to assist in this process.

If you or the Ministry are having difficulties in resolving the problem then either can contact employment.govt.nz, part of the Ministry of Business, Innovation and Employment (MBIE) who provide a free Mediation Service for assistance. Advice can be given via email, over the phone, or by a visit to the office – whichever is the most convenient. You also have the option of getting advice through your own sources.

Members can refer to the Ministry of Business, Innovation and Employment's **web-site** which has guidelines detailing your employment rights.
In the case of you having to raise a personal grievance with the Ministry, then you must do so within 90 days of the incident occurring or you became aware of the incident occurring. In most circumstances the first course of action in resolving a Personal Grievance will be through mediation. The next course of action after mediation is through the Employment Relations Authority.

13.4 Notice Period

Four weeks' notice of termination must be provided in writing by the party giving notice, except where the employee is being dismissed for serious misconduct, in which case no notice is required. A lesser period of notice may be mutually agreed between you and your manager.

13.5 Abandonment of Employment

In the event you have been absent from work for five or more consecutive working days without notifying or obtaining approval from your Manager, and the Ministry has made every reasonable effort to contact you, your employment shall terminate on the expiry of the fifth day, or subsequent day if the circumstances warrant it. If the Ministry is unable to contact you, your employment will terminate without the need for you to be notified.

In the event that the Ministry considers you have abandoned your employment and your employment terminates, you will not be entitled to any payment for notice or for the days of unauthorised absence.

13.6 Conflict of Interest

We recognise that at all times there must be a proper balance between respect for our freedoms of expression and association, and the public interest in having politically neutral and effective State Services. The Ministry operates a conflict of interest policy that provides for how conflicts of interest are managed within the Ministry. The principles for managing conflicts of interest include:

- the Ministry recognises that staff have a number of professional and personal interests and roles
- conflicts of interest need not cause problems when they are promptly disclosed and well managed
- conflicts can arise from a number of areas, including the employees financial affairs, relationships or other roles (including other employment), or something that the employee has said or done
- the appearance and perception of a conflict of interest is as important to manage as an actual conflict
- in circumstances where the conflict compromises the Ministry's integrity, reputation or ability to discharge the functions, or where the conflict impacts on the performance of the staff member, the Ministry may require the employee to take action to cease the activity causing the conflict.

14 Management of Change

14.1 Introduction

The process of change is continuous and forms part of the Ministry's continuous improvement. Staff participation is essential to the success of continuous improvement.

The primary focus of this management of change procedures is to improve organisational capability and retain people in jobs where possible. This will be achieved when the skills and resources of current staff are utilised and developed.

14.2 The Process

When the Ministry is considering initiating an organisational review that is likely to result in significant change on the organisational structure, staffing or work practices affecting staff, it will notify staff that could be impacted by the proposal.

The purpose will be to provide opportunities for employees to be involved and consulted and their views taken into account by the Ministry before decisions are made.

The objective of consultation is to reach agreement to make recommendations to management who will take these into account as far as possible before making any decisions.

Within the context of a process of organisational change, the Chief Executive may

operate a policy of managed attrition either within a particular affected work situation or across the wider organisation. The intention of managed attrition is to minimise the number of staff affected by change. This may involve a partial or complete freeze on recruiting new employees or on promotions.

When the change is of a significant nature in relation to the organisation or to individuals, then the process defined in this section will apply.
Change includes:

- significant changes to structure or
- significant changes to positions (includes more, fewer or altered nature of positions) or
- significant change in location
- transfer of part or whole of business to another organisation / employer.

The Ministry will provide assistance with career development and counselling during this period.

14.3 Implementation Procedure

Where, following consultation, a decision will result in organisational change, there will be a process for implementing change. When a change is confirmed, there will be an initial comparison of existing and new positions within the scope of the review, and reconfirmation or reassignment of employees affected by the change. Employees affected by organisational change will have a preferential right of appointment to vacancies within the Ministry for the Environment, and will be advised in writing of their preferential status. The Ministry will provide assistance with counselling, career advice, and paid time off for job search during this period.

If either reconfirmation or reassignment is not appropriate to the situation and / or have been exhausted, the following options may be offered to preferential applicants include:

- temporary employment
- special leave with or without pay
- retraining
- voluntary severance
- redeployment / job search.

Other options may be agreed, (for example an extended notice period). The types and levels of assistance will be negotiated on a case by case basis.

14.4 Salary protection

Reassignment to a position at a lower salary band may be made by agreement between the Ministry and the employee. If you are transferred to a position in which a lower salary level is payable you shall be eligible for a lump sum payment calculated on the basis of two years equalisation.

14.5 Redundancy

Redundancy will only be made after consultation with the employee, when all other options in the Management of Change process have been considered and exhausted. Employee on fixed term agreements will not be entitled to any redundancy. MfE recognises the serious consequences that the loss of employment can have on individual employees. Following agreement that redundancy will be paid, and where it is agreed on the individual ceasing service, the employee concerned will be given one month's notice of termination.

If the parties agree, the employee is not required to work out the notice period.

Redundancy compensation will be calculated using the following formula up to a maximum of $50,000.

Up to 5 years MfE service; or	3 months salary
5 years and up to 10 years MfE service; or	6 months salary
10 years and over MfE service	9 months salary

Plus: The cash equivalent of any annual leave and long service leave earned but not taken.

Counselling, career advice, financial advice will be made available as appropriate.

15 Employee Protection Provisions

15.1 Application

This clause applies to any sale, transfer or contracting out of all or part of the activities or operations of the Ministry.

15.2 Process

Where the Ministry is contemplating such sale, transfer or contracting out (together a "Transaction") and the Transaction may affect positions of the employees covered by this agreement, the following process will apply:

1. as soon as is reasonably practicable (taking into account the commercial and confidentiality requirements of any such Transaction) the Ministry will consult with the employees potentially affected
2. where, following such consultation it has been determined to proceed with the Transaction, the Ministry will endeavour in its negotiations with the potential new employer, to protect employee interests by:
    - exploring with the potential new employer whether it is in a position to offer employment to the potentially affected employees covered by this agreement on terms and conditions of employment that avoid the need to pay redundancy compensation if the transaction proceeds
    - where the proposed transaction is not able to be concluded as above, or on a basis whereby an employee is prepared to accept a role with the new employer, the Ministry will endeavour to find a suitable alternative position for its staff prior to resorting to redundancy.

15.3 Matters to be Negotiated

The matters relating to the terms of employment that the Ministry will negotiate with the new employer will be those set out in this written contract of employment and for the avoidance of doubt, will not include any matters contained in Ministry policies or any other discretionary benefits of employment.

15.4 Entitlements of Non-Transferring Employees

Where, following the negotiations with the new employer, the Transaction is to take place, and an individual employee covered by this agreement is either not offered employment with the new employer or has declined an offer of employment, the following process will apply:

- where no offer of employment is made by the new employer, the Ministry will explore reassignment and other options to avoid redundancy for the employee and will endeavour to identify a similar role for the employee with the Ministry on no generally less favourable terms of employment than those contained in this agreement. If such a role is identified for an employee and they are offered such a role, where the employee declines it, they will be made redundant without compensation

- where an offer of employment is made by the new employer on terms that avoid the need to pay redundancy compensation under the reassignment of this agreement but the employee declines such an offer, they will be made redundant and will not be entitled to any redundancy compensation

- where the employee is made an offer of employment by the new employer on terms and conditions that do not satisfy the reassignment of this agreement the employee will be entitled to decline the offer and receive redundancy compensation and any other entitlements in accordance with the terms of this agreement. However, if the employee accepts such an offer, they will not be entitled to redundancy compensation.

NOTE: Nothing in the above clause applies where the employee's employment is transferred within the Public Sector pursuant to the terms of the State Sector Act 1988.

Signatories to this Agreement

_____ _____

Signature Date

_____

Employee name

AND

_____

Vicky Robertson
Chief Executive – Ministry for the Environment

Schedule 1 – Call Back, Call in Stand by and Remote Fix

Call Back

An employee shall be paid for a minimum of three hours, at the appropriate rate, where they:

(a) Are called back to work after

i. completing that day's work and

ii. have left the workplace;

or

(b) Are called back before their ordinary hours time of starting work and do not continue working until their normal starting time,

Except that:

(c) Call backs commencing and finishing within the minimum period covered by an earlier call back shall not be paid for;

(d) Where a call back commences before and continues beyond the end of a minimum period for a previous call back, payment shall be made as if the employee had worked continuously from the beginning of the previous call back to the end of the later call back. Employees who are called back shall receive reimbursement for the use of a Private motor vehicle as per clause 13.3.

Stand-by

Definition: When the Secretary for the Environment has directed the employee to be available for duty outside their ordinary hours, standby allowance will be payable. The employee must be available to come into work at immediate notice and provide a good service. Personal circumstances of employees will be considered by the employer when assigning standby duties.

An employee who is instructed by their manager to be on standby shall be paid a standby allowance at the following rate for a 24 hour period, 7 days a week including public holidays: $125 per week or $45 per day.

Call-in

Definition. When an employee who is receiving the Stand by Allowance is called in to perform his / her duties. When called in they shall receive a payment minimum of three hours for each call in, plus travel reimbursement.

Remote fix

When an employee who is on standby is contacted to fix a problem, but is not required to travel to the workplace, then the minimum rate of payment shall be one hour of overtime, in addition to standby allowance. If a second or subsequent fix is required within the hour a further payment will only be made if total time involved is more than one hour. If the work is performed on a public holiday that would otherwise have been a normal working day for the employee, an alternative holiday will be provided in accordance with the Holidays Act 2003.