



PPTA

NEW ZEALAND POST PRIMARY
TEACHERS' ASSOCIATION
TE WEHENGARUA

www.ppta.org.nz

SICK LEAVE

**GUIDE SERIES
TO THE STCA
& ASTCA
2007 - 2010**

February 2009

Introduction

Sick leave is the most widely used of all the leave provisions. It looks simple but has some complexities. There are three essential elements to sick leave. They include:

- the service that generates the sick leave
- the entitlement that flows from the length of service
- the amount of sick leave used and the balance remaining.

Service for sick leave

All teachers employed will generate sick leave service. Permanent teachers, whether part-time or full-time, will generate a year of sick leave service for each year of employment.

Full-time fixed-term teachers, including long term relievers will generate sick leave service as if they were permanent employees for the period of their employment.

Non-permanent part-time teachers will generate sick leave service on the basis that 80 hours equals a month and 1000 hours equals a year.

Day relievers generate their service on the basis that if they work one of the 190 days that secondary schools are open each year, they earn $365/190 = 1.921$ days of sick leave service for each day. Hourly employment is pro rata.

Before 1981, those teachers who were receiving studentships also were credited with sick leave service for their period as a student. Thus a four-year qualification followed by one year of teacher training equated to five years of service for sick leave.



Sick leave entitlements

The entitlement is based on the period of service and a table found in your collective agreement. The table found in both the Secondary Collective Employment Agreement (STCA) and the Area School Teachers Collective Agreement (ASTCA) is given below.

Length of Service	Entitlement*
Up to 3 months	7 days
Over 3 months and up to 6 months	14 days
Over 6 months and up to 9 months	31 days
Over 9 months and up to 5 years	46 days
Over 5 years and up to 10 years	92 days
Over 10 years and up to 20 years	154 days
Over 20 years and up to 30 years	229 days
Over 30 years	306 days

*Aggregate period for which sick leave on payment be granted during service

The day you start work you have seven days sick leave entitlement. When you have three months sick leave service, you gain another seven days making a total of 14 days entitlement. Note that this is an aggregate entitlement, not a cumulative entitlement. Nobody has an entitlement of more than 306 days sick leave except in cases where all 306 days have been exhausted and the provisions of the Holidays Act 2003 apply.

Sick leave use and balance

The balance of the entitlement depends upon how much sick leave a teacher has used. A teacher with 13 years and 4 months service has an entitlement under the STCA to 154 days sick leave but if they have used 79 days in those 13

years, their remaining entitlement is $154 - 79 = 75$ days. Sick leave is normally deducted as a day. Occasionally a teacher may work in the morning and have to go home sick in which case half a day may be deducted. Day relievers cannot use sick leave. If they are sick they just decline the offer of work. Part time teachers lose a day even though they may only be teaching one or two classes on that day.

Full time teachers lose a day but where a full time teacher is on sick leave for more than five working days they also lose the intervening weekend. Thus a teacher absent for a week from Monday to Friday loses five days if they return to work on the Monday of the next week. Similarly a teacher absent on Wednesday through to Tuesday of the following week also loses five days sick leave. However in both the above examples, as soon as the total of continuous working days sick leave reaches six, a weekend is lost meaning that the total number of sick days used becomes eight.

Statutory holidays and vacations are not deducted from sick leave in spite of the myth that they are. Some teachers have been known to struggle in for the last day of term believing that if they do not, the coming vacation will become sick leave. This is incorrect. A person on continuous sick leave moves from sick leave to vacations and back to sick leave after the vacation ends. For this reason, a year of sick leave is 266 days. This is because the school year is 380 half days or 38 weeks in length, the rest being statutory holidays and vacations. 38 weeks multiplied by 7 days gives 266 days.

Frequently asked questions

What happens if I have used up all my sick leave?

If you have less than 30 years service, one could request through your employer and the Ministry of Education to anticipate sick leave from the next entitlement. The ministry will only grant concurrence with this if you are within 12 months of the next entitlement. If you do anticipate sick leave and never return to work, the ministry could request that you repay that sick leave.

But what happens if I have really used up all my 306 days sick leave?

Providing you exhausted this in the previous calendar year, you could claim an entitlement of five days under the provisions of the Holiday Act 2003. You can also claim this entitlement if you exhaust your entitlement at an earlier stage but this will be deducted from your new entitlement when you reach the next leave bracket.

Where are my sick leave records kept and how are they recorded?

The records are held by the Salary Servicing Unit. Prior to 2002 they were recorded on cards. In 2002 they were transferred to a spreadsheet programme called Legacy. The data on sick leave service is transferred to electronic pay advice notices but the actual balance of sick leave is not shown on any pay advice notices. The information is communicated to schools in the Staffing Usage and Expenditure (SUE) report and information can be accessed there.

What happens to my sick leave if I take a break from teaching?

It remains frozen awaiting your return.

What happens if I never return to teaching?

It is still there frozen in case you ever do.

Can I cash in my sick leave?

The only situation where your sick leave is cashed up or disappears is if you take a payout option under surplus staffing or you medically retire with the concurrence of the Ministry of Education.

Can I transfer my sick leave to and from overseas?

No.



Can I transfer my sick leave within New Zealand?

You don't need to as it follows you as part of your state service entitlements. However, it does not transfer to and from private schools. Nor does it transfer to other private employers. However, there is a provision for the transfer of sick leave between the public service and teaching. If you are considering this you should consult your PPTA field officer.

What happens if I am stressed at work?

You should see your doctor who may put you on sick leave. There is no separate category in the STCA or ASTCA called stress leave.

What about medical certificates?

You would not normally need a medical certificate for an absence of up to five days. Beyond five days you would expect to produce a medical certificate but if there are good reasons why you cannot get a medical certificate for sick leave for a period of between six and 14 days, you may be able to satisfy the employer with other evidence. An employer could request a medical certificate or other satisfactory evidence for a period shorter than five days where they consider it warranted.

How does an accident at work affect my sick leave?

It does not as workplace accidents are fully covered by ACC.

And what about if the accident is not at work?

This does affect sick leave. The first seven days are a charge against sick leave and after that approximately one day in five is a charge against sick leave.

What happens if I am sick around Easter and Easter is during term one?

A complicated situation but quite logical for this system. The Thursday before Easter is sick leave. Good Friday is a statutory holiday and not a charge against sick leave. The Saturday and Sunday are sick leave if the absence is

longer than five working days. Monday and Tuesday are not a charge against sick leave as the Monday is a statutory holiday and the Tuesday is a holiday under Part VII of the Education Act 1989.

If I have been sick and want to return gradually to teaching and my doctor recommends this, can I do so?

Yes. You can return on reduced hours but you need the agreement of your employer as there may be staffing and/or timetabling difficulties. This would not normally be for a period of more than six weeks.

If I am on maternity leave, can I use my sick leave?

No. You can use sick leave whilst you are pregnant and working but once you have taken maternity leave, you cannot use sick leave because you are on leave without pay. The same applies in all other leave without pay situation.

Can I use sick leave if my child is sick and needs to be cared for?

Yes. You can use sick leave to care for a person in your care under leave for family reasons.

Can I use sick leave if my partner is dying and I am stressed by the situation?

Yes but this sounds like you are sick so get a medical certificate for sickness in your own right.

Can I donate some of my sick leave to a colleague who has exhausted their sick leave?

No. It is your sick leave and you cannot transfer it to your partner if they are also a teacher or to any other person. Technically that would be fraud.

I have contracted influenza and I am sure I got this from school as there has been a lot around and many students have been absent. Can I apply for this not to be deducted from my sick leave?

You could but it is unlikely to be granted. It could be granted if this had been classified as an epidemic by the Ministry of Health. There are some circumstances where sick leave can be disregarded, tuberculosis and hepatitis being examples but you would need to discuss your situation with your PPTA field officer.

I am really unwell and have little prospect of returning to teaching. What should I do?

Use your sick leave. Even when it is exhausted you can still be paid for a vacation if you have not had more than 90 days sick leave without pay. You can also consider medical retirement but the point is that sick leave has a considerable value and can enhance things such as the GSF Superannuation. Do not resign in a hurry. Talk to your PPTA field officer.

What is sick leave worth?

It is worth a lot of money. Divide your salary by 365 and you will have what a day of sick leave is worth. Multiply the daily rate by the number of sick days you are entitled to and you have the gross value.

Is there anything else I need to know about sick leave?

Probably but if you have a grip on the matters in this booklet you will be doing well. If you have further questions ask your PPTA field officer.



Advice and guidance

For further advice consult your local PPTA office.

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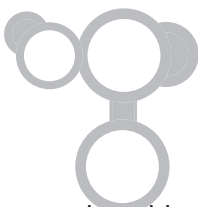
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This pamphlet has been produced by NZPPTA / Te Wehengarua and provides the association's contractual interpretation. Nevertheless, it is not a substitute for the collective agreement and should be read in conjunction with the relevant clauses of the appropriate collective agreement.

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- Introducing Te Huarahi Māori Motuhake
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- Meeting procedure
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