



Member Guidance – Sick leave translation

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I. Introduction

As an outcome of collective bargaining for a new Primary School Teachers' Collective Agreement ("PTCA"), Primary Principals' Collective Agreement ("PPCA"), Area School Teachers' Collective Agreement ("ASTCA") and Area School Principals' Collective Agreement ("ASPCA"), a new and improved sick leave system will be introduced at the start of the 2024 school year. The changes to the sick leave provisions will provide teachers and principals with enhanced sick leave entitlements throughout their careers. The upcoming changes to sick leave accrual are additional to the changes to sick leave deductions that are already in effect- like the removal of sick leave deductions for intervening weekends (which is effective from 3 July 2023).

II. How sick leave accrual will work going forward

From 28 January 2024 onwards, the system of sick leave accrual in area schools, primary schools and secondary schools will work in the same way. Sick leave accrual will happen as follows:

- A teacher/principal¹ will start their teaching career with a sick leave balance of 20 days.
- They will then accrue 10 days of sick leave every 6 months until they reach 30 months of aggregate employment.
- Once they have reached 30 months of aggregate employment, sick leave accrual will slow down to 10 days per year. However, since there is no maximum accrual of sick leave in the Collective Agreements, so you will continue to receive 10 additional days of sick leave each year, irrespective of how large your sick leave balance already is.

¹ Give that all principals are teachers, this resource will use the term "teachers" to encompass principals as well.

In the Collective Agreements, the new sick leave accrual system looks like this:²

TABLE 1- New sick leave accumulation provisions

	Entitlement	Accumulated entitlement
Upon first appointment to a teaching position in a state or state integrated school	20 days	20 days
6 months aggregate employment	10 days	30 days
12 months aggregate employment	10 days	40 days
18 months aggregate employment	10 days	50 days
24 months aggregate employment	10 days	60 days
30 months aggregate employment	10 days	70 days
Each subsequent 12 months of completed aggregate employment	10 days	+10 days

The right column in Table 1 above is particularly important to understand. It shows the teacher's **accumulated entitlement**³ which is the total/aggregate amount of sick leave the teacher should have received at a certain point in their career. As an example, a teacher with 24 months of aggregate employment would have accrued a total of 60 days of sick so far in their career (so, their *accumulated entitlement* is 60 days). The teacher's **sick leave balance** is the teacher's *accumulated entitlement* MINUS any days of sick leave taken by the teacher. The translation tables in the Collective Agreements compare teachers'/principals' accumulated entitlements under the old sick leave systems and under the new system.

As was the case in previous Collective Agreements, certain employment outside of NZ state and state integrated schools will count as aggregate employment under the new Collective Agreement provisions and will accordingly give you access to more sick leave. So, if you have experience in kindergartens, a university, polytech or in teaching positions in Fiji, the Cook Islands, Tonga, Samoa or Niue, this will continue to be recognised.

In the unlikely situation that a teacher's statutory entitlements under the Holidays Act 2003 exceed those provided through the new sick leave provisions, the Holidays Act provisions will take precedence.

III. How the sick leave translation will work

When the move from the old sick leave accrual system to the new sick leave accrual system happens on 28 January 2024, you will translate with the HIGHEST OF the following three possible balances:

² See Primary Teachers' Collective Agreement 2023-2025, cl 4.1.2; see also Area School Teachers' Collective Agreement 2023-2025, cl 5.1.2.

³ In the Area School Principals' Collective Agreement 2023-2025, the term "aggregated sick leave entitlement" is used instead of "accumulated entitlement". However, there is no practical difference to this change in wording.

- a. **A higher, recalculated sick leave balance.** (This applies where your re-calculated accumulated entitlement as of 28 January is higher than it was under the old sick leave system.)
- b. **Your pre-existing sick leave balance as of 27 January 2024.** (This applies where your re-calculated, accumulated entitlement as of 28 January 2024 is lower⁴ than it was under the old system), or
- c. **A minimum sick leave balance of 10 days.** (This always applies under the translation rules, so you should never translate with a sick leave balance of less than 10 days.)

To translate you to the new system, Education Payroll will recalculate your *accumulated entitlements* based on your total employment as a teacher in line with the new sick leave accumulation provisions (see Table 1 above). Any days of sick leave that you have so far taken in your career will then be docked from this new accumulated entitlement. Whatever is left over is your new, recalculated sick leave balance.

Example: A primary teacher with 30 months of aggregate employment has an *accumulated entitlement* of 70 days under the new provisions that are in effect as of 28 January 2024 (see Table 1). If this teacher has so far taken 20 days of sick leave in their career, this means that the teacher’s new sick leave balance after the translation would be 50 days. Immediately before the translation (i.e. on 27 January 2024), this teacher’s sick leave balance would have only been 21 days⁵. This means that the translation will result in an extra 29 days of sick leave being added to the teacher’s pre-translation sick leave balance. *Part IV* of this Resource will provide you with more information about how to work out how your individual sick leave balance will be affected. We also encourage you to have a look at the translation provisions in **Appendix 7 of the PTCA** ([link here](#)) or **Appendix 8 of the ASTCA** ([link here](#)).

IV. General Guidance on changes to your sick leave balance upon translation

CAUTION: The table below shows the CHANGES we anticipate will be made to your sick leave balance on the date of translation (28 January 2024). The table does NOT show your anticipated sick leave balance as your sick leave balance will depend on how much sick leave you have taken so far in your career (which will differ from person to person).

Any information in Table 2 below is subject to the two overriding translation principles that-

- a. no one will translate with a sick leave balance below 10 days and

⁴ Over a teaching career, the new sick leave provisions are superior to the ones that are being replaced. However, it is possible at certain points in some employee’s service that the old provisions temporarily provide an employee with a higher entitlement temporarily i.e. because you are employed in an area school and you got large allotments of sick leave that were supposed to last you for several years under the previous system.

⁵ Under the previous sick leave system, a primary school teacher on Table A with 2.5 years of service had an accumulated entitlement of 41 days. 41 days minus 20 days taken leads to a pre-translation balance of 21 days.

b. no one will translate with a sick leave balance that is lower than their pre-translation balance.

To be able to interpret Table 2 below or the translation tables in the Collective Agreements, you first need to know whether you have so far accrued sick leave under Table A or Table B under your Collective Agreement. If you don't know what this means or you are unsure what category you fall into, here is some simplified guidance that may help:

- i. The vast majority of primary school teachers and primary principals have so far accrued sick leave under Table A. Accordingly, if you are a primary school teacher, you should generally check the second column in Table 2 below to work out how your sick leave balance will change on translation. (Limited exceptions do apply but these exceptions are almost invariably restricted to teachers who have moved from area schools or secondary schools to primary schools. If you have never worked in an area school or secondary school, you are unlikely to have to worry about these exceptions.)
- ii. All area school teachers and area school principals have so far accrued sick leave under Table B. So, if you are employed as an area school teacher, you should look at the 3rd column in Table 2 below to see how your sick leave balance will change upon translation.

Tip: *Schedule 1 of this resource has a more detailed explanation about the way sick leave accrual has worked so far under the PTCA/PPCA and ASTCA/ASPCA.*

TABLE 2- General Guidance on CHANGES to sick leave balances

Aggregate years of service	TABLE A Expected <u>change</u> to your sick leave balance as a result of translation	Table B Expected <u>change</u> to your sick leave balance as a result of translation
Less than 3 months	+ 13 days	+ 13 days
3 months	+ 6 days	+ 6 days
6 months	+ 4 days	no change
9 months	no change	no change
1 year	+ 9 days	no change
1.5 years	+ 14 days	+ 4 days
2 years	+ 24 days	+ 14 days
2.5 years	+ 29 days	+ 24 days
3 years	+ 29 days	+ 24 days
3.5 years	+ 34 days	+ 34 days
4 years	+ 34 days	+ 34 days
4.5 years	+ 39 days	+ 44 days
5 years	+ 20 days	no change
5.5 years	+ 25 days	+ 8 days
6 years	+ 25 days	+ 8 days
6.5 years	+ 30 days	+ 18 days
7 years	+ 30 days	+ 18 days
7.5 years	+ 35 days	+ 28 days

8 years	+ 35 days	+ 28 days
8.5 years	+ 40 days	+ 38 days
9 years	+ 40 days	+ 38 days
9.5 years	+ 45 days	+ 48 days
10 years	+ 31 days	no change
10.5 years	+ 36 days	no change
11 years	+ 36 days	no change
11.5 years	+ 41 days	+ 6 days
12 years	+ 41 days	+ 6 days
12.5 years	+ 46 days	+ 16 days
13 years	+ 46 days	+ 16 days
13.5 years	+ 51 days	+ 26 days
14 years	+ 51 days	+ 26 days
14.5 years	+ 56 days	+ 36 days
15 years	+ 56 days	+ 36 days
15.5 years	+ 61 days	+ 46 days
16 years	+ 61 days	+ 46 days
16.5 years	+ 66 days	+ 56 days
17 years	+ 66 days	+ 56 days
17.5 years	+ 71 days	+ 66 days
18 years	+ 71 days	+ 66 days
18.5 years	+ 76 days	+ 76 days
19 years	+ 76 days	+ 76 days
19.5 years	+ 81 days	+ 86 days
20 years	+ 56 days	+ 11 days
20.5 years	+ 61 days	+ 21 days
21 years	+ 61 days	+ 21 days
21.5 years	+ 66 days	+ 31 days
22 years	+ 66 days	+ 31 days
22.5 years	+ 71 days	+ 41 days
23 years	+ 71 days	+ 41 days
23.5 years	+ 76 days	+ 51 days
24 years	+ 76 days	+ 51 days
24.5 years	+ 81 days	+ 61 days
25 years	+ 81 days	+ 61 days
25.5 years	+ 86 days	+ 71 days
26 years	+ 86 days	+ 71 days
26.5 years	+ 91 days	+ 81 days
27 years	+ 91 days	+ 81 days
27.5 years	+ 96 days	+ 91 days
28 years	+ 96 days	+ 91 days
28.5 years	+ 101 days	+ 101 days
29 years	+ 101 days	+ 101 days
29.5 years	+ 106 days	+ 111 days
30 years	+ 84 days	+ 34 days

Example A- Table A primary teacher

Sally is a primary teacher who has taught for 20 years and one month. As a primary teacher for her entire career, Sally accrued sick leave under Table A immediately prior to translation. Over the course of her 20-year teaching career, Sally has taken 100 days of sick leave.

	Pre-translation ⁶			Post translation			
Aggregate employment ⁷	Accumulated entitlement pre-translation	Sick leave taken	Pre-translation balance	New Accumulated entitlement	Sick leave taken	New sick leave balance	Change to balance
20 years	184 days	100 days	84 days	240 days	100 days	140 days	+ 56 days

Example B- Table B Area School Teacher

Aroha is an area school teacher. She has just over 3 years of experience. Since she is an area school teacher, Aroha has so far accrued sick leave under Table B. Aroha has taken 20 days of sick leave in her career.

	Pre-translation			Post translation			
Aggregate employment	Accumulated entitlement pre-translation	Sick leave taken	Pre-translation balance	New Accumulated entitlement	Sick leave taken	New sick leave balance	Change to balance
3 years	46 days	20 days	26 days	70 days	20 days	50 days	+ 24 days

Example C- Table B Area School teacher with sick leave balance protection

Hemi is an area school principal with 10 years of experience. As an area school principal, Hemi has so far accrued sick leave under Table B. Hemi has taken 150 days of sick leave so far in his career.

	Pre-translation			Post translation			
Aggregate employment	Accumulated entitlement pre-translation	Sick leave taken	Pre-translation balance	New Accumulated entitlement	Sick leave taken	New sick leave balance	Change to balance*
10 years	154 days	150 days	4 days	140 days	150	10 days	+ 6 days

**Explanation:* Although Hemi's new accumulated entitlement is lower than his pre-translation accumulated entitlement, his sick leave balance is protected because no one will translate with a lower balance than they had pre-translation. In fact, Hemi's balance will even increase as a result of

⁶ If you want to find out how to work out the pre-translation figures, please refer to Schedule 1 of this Resource.

⁷ Sally's entitlement will be determined under the 20 year bracket since she has passed 20 years of service but has not yet reached 20.5 years.

the translation, because his pre-translation balance was below 10 days and no teacher will translate with a sick leave balance of under 10 days.

V. What happens after the translation?

After the translation, you next become entitled to sick leave when you reach one of the entitlement dates set out in Table 1 of this resource (page 2). This will happen after each completed 6 month of total employment as a teacher until you reach 30 months of aggregate employment. Then, sick leave accrual will slow down to annual entitlements, so you would be granted the next 10 day allocation after 3 years and 6 months of aggregate employment, 4 years and 6 months of aggregate employment etc.

VI. Sick leave deductions

Under the 2023 PTCA and ASTCA, an important change was made to the way sick leave deductions work in that sick leave is only deductible on days when the school is open for instruction and the teacher is scheduled to work. This change, effective from 3 July 2023 meant that the much-maligned sick leave deductions for “intervening weekends” that had been a feature of previous Collective Agreements have been removed. If you have been docked sick leave for any weekends after 3 July 2023, this is a mistake and you should follow this up with your payroll administrator as soon as possible. We are aware that some school teachers have experienced deduction errors in this respect. These issues should be fixed by the time the translation occurs but please do follow the matter up proactively with your payroll administrator if you are affected.

Full-time teachers will not experience a sick leave deduction for any absence that is less than 2 hours. Part-time teachers’ will similarly not see sick leave deductions for an absence that is less than 25% of the hours normally worked on that day. The new Collective Agreement makes it more obvious that short term relievers with a positive sick leave balance who are booked to work on any particular day are eligible for paid sick leave for the days/hours they have been booked for if they are sick and cannot work. Short term relievers were already entitled to sick leave under the previous Collective Agreements. However, the new wording is a reflection of the reality that in practice many short term relievers have had problems in accessing their contractual sick leave entitlements.

SCHEDULE 1- How sick leave accrual has worked for school teachers prior to 28 January 2024

Primary school teachers' and principals' default sick leave accrual- Table A

Under the PTCA and PPCA, primary teachers and principals have so far accrued sick leave under two basic systems which are frequently referred to as “Table A” and “Table B”. The vast majority of primary school teachers and principals accrued sick leave under Table A whereas area school teachers and principals (much like their colleagues in secondary) accrued sick leave under Table B. In some, exceptional circumstances, i.e. where a teacher has recently moved from a secondary school or an area school to a primary school, they would remain on Table B for some time and then move over to the standard primary school table A at an upcoming Table B sick leave entitlement date.

Under the old sick leave accrual system primary teachers who are under Table A have so far received-

- an annually recurring *minimum entitlement* of 5 days per year, and
- one-off allotments of *additional entitlements* at certain points in the primary teacher's service.

Together, minimum entitlements and additional entitlements made up the totality of the teacher's sick leave accrual.

a. Minimum entitlements

Primary teachers became eligible for the first 5-day minimum entitlement on the earlier of two dates:

- The date when they have worked for their employer for 6 months, or
- The date when they have aggregate service recognised that exceeds 6 months.

So, if you stayed in your job, the minimum entitlements to sick leave should have renewed annually like clockwork. You were supposed to receive a minimum entitlement at 6 months of employment, 1 year and 6 months of employment, 2 years and 6 months of employment etc.⁸

Tip: Since Table A employees are the only teachers who received these *minimum entitlements* to sick leave, the quickest way for most primary teachers to check whether they are on Table A or Table B is to check whether they have so far received minimum entitlements to sick leave.

⁸ In practice, we are aware that this has historically not always happened very reliably and we have followed many cases where individual or systemic corrections needed to be made.

b. Additional entitlements

Unlike minimum entitlements which recur annually, additional entitlements to sick leave were one-off allotments that were made to Table A primary teacher once they passed certain points in their service.

Service point	Additional sick leave granted at this point
Day 1	7
3 months	7
6 months	7
9 months	5
5 years	19
10 years	14
20 years	25
30 years	22

Example:

Under the old system, a full-time beginning teacher in a primary school would start their career with 7 days of sick leave on day one of teaching, then receive another 7 days of sick leave when they passed 3 months of service and then at 6 months of service they would receive another 12 days of sick leave (5 days from their first minimum entitlement and 7 as the third additional entitlement under Table A). At 9 months, they would then get another 5 days of sick leave added to their (because their 4th *additional entitlement* was due).

Area School Teachers (and other Table B employees)

Area school teacher (and a small number of primary school teachers) have so far accrued sick leave under Table B. This meant that they received larger one-off allotments of sick leave at certain points in their service. The times when this happened aligned with the times of the additional entitlements for Table A teachers. However, the allotments under Table B were much larger due to the fact that Table B teachers did not receive any of the recurring annual *minimum entitlements* of sick leave that Table A primary teachers received.

Instead, sick leave accrual for employees looked like this:⁹

Aggregate employment	<u>Additional</u> sick leave granted at this service point	Accumulated entitlement
One day (Day 1 of employment)	7	7
3 months	7	14
6 months	17	31

⁹ The actual table in clause 5.1.1 of the ASTCA looks slightly different as it only looks at overall accumulated entitlements. The table used in this resource is designed for explanatory purposes so it is easy to see how much additional sick leave is granted to an employee once they pass a certain point in their aggregate employment.

9 months	15	46
5 years	46	92
10 years	62	154
20 years	75	229
30 years	77	306

As you can see, Table B employees essentially received large one-off drops of sick leave at certain points in their service. These then had to last the employee until they were due the next entitlement¹⁰. This is also the reason why teachers moving from the area school or secondary school sector over to primary would remain on Table B until they reached the next sick leave entitlement date under Table B.

SCHEDULE 2- Frequently Asked Questions

You can find a link to Frequently Asked Questions about sick leave on the [NZEI Te Riu Roa website](#).

This website will be updated from time to time as more questions come in or payroll problems become apparent, so please feel free to check this information from time to time.

¹⁰ Technically, this was subject to the statutory minimum entitlements in the Holidays Act 2003 always having to be met.