

Clause 24

24.0 Time Off In Lieu of Public Holidays (Alternative Holiday)

- 24.1 All employees are entitled to an alternative paid holiday when they have worked or been on call on a public holiday. The alternative paid holiday:
- (a) must be taken within 12 months of the employee's entitlement to an alternative paid holiday having arisen, and
 - (b) the employee must give 14 days' notice of taking the alternative paid holiday, except that if the lieu day is proposed to be taken on a day where the RMO is rostered on a long day, a night duty, or a weekend duty, 28 days' notice must be provided, and
 - (c) shall be taken on a day either agreed with the employer, or if this is not possible at a time determined by the employee taking into account the employer's view as to when is convenient.

Overview

Clause 24 Time off in lieu of public holiday (Alternative Holiday) should be read in conjunction with Clause 23 Public Holidays.

When reading the FAQs and scenarios below it is also recommended that you review the FAQs and scenarios set out at Clause 23 of the National Manual. These also contain examples and information related to Alternative Holidays (STIL).

Frequently Asked Questions (FAQs)

1. When I work a public holiday am I entitled to another day off?
 - Yes, if you work a public holiday you are entitled to a day off at another time, this is called an alternative holiday.
2. What if I am a shift worker and it is my off duty day? Am I entitled to another day off?
 - Yes, you are entitled to a day off except where the public holiday falls on Waitangi Day or Anzac Day. However this will be an additional day of leave not an alternative holiday. This means it is not subject to the rules of clause 24.1.
3. What is the difference between an alternative holiday and receiving an additional day of leave?
 - An additional day of leave is time off in lieu.
 - An alternative holiday is what used to be called statutory time in lieu and is subject to rules around taking leave in clause 24.1.
4. Do I have to take alternative holidays within a certain time period?
 - The CA specifies that alternative holidays must be taken within 12 months of you having worked the public holiday.
 - However the Holidays Act will apply in the circumstance where an alternative holiday has not been taken within 12 months of you having worked the public holiday. The Holidays Act allows that where 12 months have passed since an employee became entitled to an alternative holiday and the employee and employer cannot agree when the employee is to take the alternative holiday, then if the employee requests and the employer agrees to that request, the alternative holiday may be cashed up. You will need to refer to District policy to see whether this allows cashing up of alternative holidays.

5. I worked Christmas Day and have an alternative holiday accrued. I am changing District in January. What happens if I haven't taken the alternative holiday when I change District?
 - Any alternative holidays owing to you will be transferred to your new District.

6. Do I need to give notice to the RMO Unit of when I wish to take the alternative holiday?
 - Yes, you need to provide 14 days' notice if you wish to take the leave on an ordinary day. Note you are unable to take an alternative holiday on a public holiday.
 - If you want your alternative holiday on a date where you have been rostered to a long day, a night duty or a weekend shift then you must provide 28 days' notice.
 - Alternative holidays shall be taken on a day either agreed with the District, or if this is not possible at a time determined by the RMO, taking into account the Districts view as to when is convenient (clause 24.1(c)).

7. Does the leave abutting weekend provision apply to alternate holidays?
 - No, leave abutting weekends does not apply.

8. Do I have to apply to take an alternate holiday for having worked or been on call on a public holiday?
 - Yes. You still need to apply to take the leave through the usual process. You need to provide a minimum of 14 or 28 days' notice depending on the duty you were rostered on for the date of the proposed leave.
 - In applying to take the alternate holiday you should have discussed the date with your service and considered any issues that might be raised about the convenience of taking leave on that date (i.e. issues with cover, scheduled training, particular procedures booked, etc.). It is ultimately up to you when the alternate holiday is taken.

Scenarios

The following roster shows RMOs over Christmas Day and Boxing Day and what they are entitled to. This is not a full rotating shift roster and clause 23.4.4 Off Duty Day does not apply.

	Sa	Su	M	T	W		Legend	
	22/12	23/12	24/12	25/12	26/12		X	Day Off
Registrar One	X	X		LD	8		LD	Long Day
Registrar Two	X	N	N	N	N		N	Night Duty 2200 - 0800
Registrar Three	N	N	Z	Z	PH		8	Day 0800 - 1600
Registrar Four	LD	LD	8	RDO	RDO		Z	Sleep Day
Registrar Five	LD	LD	8	8	RDO		RDO	Rostered Day Off
							PH	Off on public holiday

Registrar One

Will receive the following for working 25th and 26th December

- T1/2 and relevant daily pay as per clause 23.3 for the hours worked on both days
- Two alternative holidays

Registrar Two

Will receive the following for working the 25th and 26th December

- T1/2 and relevant daily pay as per clause 23.3 for the hours worked on both days. This will be paid as follows;
 - from 00:00 to 08:00 25th December
 - from 22:00 to 24:00 25th December
 - from 22:00 to 24:00 on 26th December
 - Two alternative holidays for both days worked

Registrar Three

Registrar three is on a sleep day on 25th of December and has been rostered off for the public holiday that falls on 26th of December. Under the set roster pattern this would have normally been a day that would have been worked but Registrar three has been rostered off on the public holiday. The salary section of the run description does not have any ordinary hours discounted from the run category calculation.

Public holiday entitlements for Registrar three will apply as follows

- There is no additional payment for the public holidays on 25th and 26th December because the RMO did not work and have received their ordinary pay for those days.
- There is no entitlement to any additional days of leave because both days are completely free from duty and payment for these days is included in the ordinary hours of the run category calculation. These days are paid as part of the remuneration model (clause 12.1.2(b)) and therefore the public holidays have been observed on full pay.

Registrar Four

Registrar four is working a Schedule 10 roster and is observing the weekday RDOs that are part of the set roster. The public holidays on 25th and 26th December fall on these weekday RDOs.

Registrar four will not receive any additional payment because they did not work the public holidays.

Registrar Five

Registrar five is not working a Schedule 10 roster however the roster has a mid week rostered day off completely free from duty as part of the set roster.

Registrar Five will receive the following

- T1/2 and relevant daily pay as per clause 23.3 for the hours worked on the 25th of December public holiday.
- No additional payment for the 26th of December public holiday because they did not work on this day (they will receive ordinary salary)
- One alternative holiday for the public holiday worked on 25th December.

Comparison STONZ and NZRDA CAs

There is no difference between clause 24.0 in the STONZ CA and clause 19.0 in the NZRDA CA.