

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

AMHA

Compendium of FAQs

June 2023

DRAFT

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Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

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How to use this compendium

Important note:

This is a collection of questions and answers by topic related to the Holidays Act Remediation work. It collates the most recent version of our 'Frequently asked questions' (FAQs) from all facets of the Rectification and Remediation Payment work impacting staff across the Auckland Metro Region.

Many of the questions and answers are the same for all staff across Te Whatu Ora however some answers may need to be adapted for your District.

- This document will be updated regularly or as and when information changes.
- FAQs contained here can be used across our broad range of communications and education assets.

Please reference this document when citing these questions and the associated answers:

e.g. AMHA (2023) FAQ Compendium – June – V1 – Te Whatu Ora.

Frequently Asked Questions (FAQs)

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General questions on The Holidays Act

What is the Holidays Act?

- The Holidays Act 2003 sets out how payment for leave and final pay is to be calculated and paid. The Act came into effect in April 2004.
- The Holidays Act is straight forward when applied to Monday to Friday 40 hour a week workers. However, it becomes a complex piece of legislation, with varying calculations and entitlements for different leave types that can be interpreted in several different ways when applied to 24/7 operations with numerous rosters.

What is the issue?

- While the Act is generally easy to follow for those working traditional hours (9 am -5 pm), it's proved complex for some employers to interpret for shift work, variable days, and hours or those with flexible work patterns, that apply to many in the health workforce.
- This resulted in some entitlements for annual leave, bereavement and sick leave, public holidays, and alternative holidays (in lieu days) not being correctly calculated and means some of our people may not have been paid correctly.
- There has been widespread non-compliance with the Act in a range of public and private sector organisations in New Zealand.
- Te Whatu Ora is fixing this by calculating and making remediation payments to anyone who has been incorrectly paid and rectifying payroll, systems and processes.

Where do I find out more about the Holidays Act?

You can contact your Union, look at the Auckland Metro Hub Intranet or do a google search on the Holidays Act.

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About the Auckland Metro Project

What was the Auckland Metro Holidays Programme set up to do?

The Auckland Metro project is remediating issues with the Holidays Act for Auckland, Waitemata and Counties Districts and the four shared services in the region – Northern Region Alliance, HealthSource, Health Alliance and Health Partnership.

The programme was set up to calculate remediation payments and rectify rostering and payroll systems processes. This included:

- Reviewing the payroll configurations for breaches
- Payroll system configuration corrected.
- Policies and procedures aligned for compliance
- Calculating any pay for leave owing to staff (remediation payment).

What payrolls are covered?

There are two payrolls in the Auckland Metro region – one for Auckland and one covering Waitemata and Counties Districts and the four shared services in the region which has been managed by HealthSource and is often referred to the Auckland SSC payroll.

What is happening in Auckland Metro area?

- The Auckland Metro Holidays Act Programme is completing the remediation work for the Auckland, Waitemata and Counties Manukau Districts and for Health Alliance, Health Source, Northern Regional Alliance, and NZ Health Partnerships.
- There are two payrolls in the Auckland Metro area the Auckland District payroll and the Health Source payroll for Waitemata and Counties Manukau Districts, Health Alliance, Health Source, Northern Regional Alliance, and NZ Health Partnerships.
- The Auckland Metro project is planning on making a payment to the Auckland District current staff on Friday 28 July 2023 (in your bank account) and for the Health Source Payroll on 23 September 2023.
- There are many factors that may impact on whether we can make payments on these dates and we will keep you updated.

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Which entities is Te Whatu Ora making remediation payments for?

On 1 July 2022, there were 28 entities formed to create Te Whatu Ora. Not all entities are covered by the Holidays Act remediation. Employees who joined Te Whatu Ora from of the following entities are not covered by the remediation:

- TAS
- Health Promotion Agency
- Health Share
- Ministry of Health
- MBIE.

I work for Te Aka Whai Ora what happens to me?

Te Aka Whai Ora payroll was set-up to comply with the Holidays Act. For staff who started new with Te Aka Whai Ora you are paid correctly. However:

- If you transferred to work for Te Aka Whai Ora from one of the entities covered by the remediation (the 20 former DHBs, HealthAlliance, HealthSource, NRA or Health Partnerships) you will receive any remediation payment owing to you from that entity as part of the former employee process.
- Your data will be updated in the Te Aka Whai Ora payroll after all of the remediation projects are completed. This might generate a further remediation payment.
- The former employee payments will occur during 2024, so it might take some time to correct the data in the Te Aka Whai Ora payroll.

Why are some employees affected more than others?

All of the remediation payments will be different and it is not easy to compare payments. Factors that influence a remediation payment include the employee's:

- Salary or rate of pay
- The length of service
- Work pattern (days and hours worked)
- Fixed or variable hours or working overtime on a public holiday or if there are allowances
- Annual leave entitlements and when they took their holiday.
- What type of leave was taken and how much leave was used.

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Union engagement

Are you working with unions on this work?

We are working with the relevant unions in the health sector to ensure compliance with the Holidays Act and correct pay for all employees.

What agreements have been entered into about the remediation for Te Whatu Ora?

There are two key documents:

- Memorandum of Understanding: Signed by the then 20 DHB Chief Executives (October 2019) and by the President of the Combined Trade Unions and the Labour Inspector (March 2020).
- Framework dated (April 2019).

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Holidays Act Breaches

What are the breaches?

The payroll systems were reviewed in 2019 for compliance by EY (Ernst & Young). The following table outlines how the Auckland Metro Projects were in breach.

Area	How we were in breach
Annual leave (Holidays Act section: 14, 16, 21, 22 28A, 28B)	The payment calculation method which was non-compliant.
	We identified instances where allowances were not included correctly in the gross earnings, which meant annual leave was incorrect.
	When employees took leave without pay, the manner in which annual leave was accrued (or not accrued) was inconsistent.
	Annual leave is currently in hours, to be compliant, it needs to be in weeks as specified by the Holidays Act.
	We needed to be clearer on what an employee could cash up and what would be considered a non-Holidays Act cash-up. This was relevant to gross earning calculations.
Bereavement, Alternative, Public Holiday, Sick and Family Violence Leave (BAPSF) (Holidays Act section: 50, 63)	BAPSF leave should be paid at what you would have earned on the day. This is known as Relevant Daily Pay (RDP). If RDP cannot be determined we need to pay BAPSF leave at Average Daily Pay (ADP) so no one is disadvantaged.
	When working a public holiday, employees should be paid a minimum of 1.5 their RDP rate and this should include allowances relating to the day.
	Alternative Leave was managed in units of hours. Existing Statutory Time In Lieu (STIL - Alternative Leave) balances in units of hours must be converted into Alternative Leave balances in units of days.
Terminations (Holidays Act section: 23, 24, 25, 40, 60)	Because of the above breaches, these need to be corrected so termination pays can be recalculated using the correct earnings and rates.
	When people terminated, we should have paid Annual Leave entitlements using a compliant rate calculation and accrued Annual Leave should have been and paid as a percentage of Gross Earnings since the employee's last Leave Anniversary.
	Alternate leave should be managed in units of days.
	Notional Public holidays must be identified if falling in the Annual Leave entitlement period and must be paid at the higher of RDP or ADP, this has not been applied consistently.
Casual employees (Holidays Act section: 28, 47, 50, 61)	For employees who work on a public holiday, they should have been given an alternative day as a credit.
	Casual staff who did not work on an intermittent and irregular basis need to be allocated Annual Leave entitlements rather than receive 8% each pay.
	Casual employees should receive RDP vs ADP for BAPSF leave as they have no fixed roster and BAPFS leave has not consistently been paid
	Some casuals who worked on Public Holidays are receiving the Alternate Leave credit as paid time, instead of receiving this as a credit, so getting triple time, instead of being paid double time and an Alternative Leave credit.

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Remediation Payments

What is a remediation payment?

A remediation payment is a sum of money that is owed to you because the payment for a leave type covered by the Holidays Act was not correctly calculated from 01 May 2010 to a date just before remediation payment.

Who will get a remediation payment?

Any employee whom we have determined to be owed money will be paid. Not every current or former employee is owed money. Some types of holiday pay were correctly calculated.

How far back will remediation payments go?

- We are required to go back six years from the date non-compliance is identified which is the timeframe in the Statute of Limitations
- The Council of Trade Unions (CTU) raised the issue of non-compliance with the DHBs in May 2016, so remediation payments will go back to 1 May 2010.

What kind of roles are most impacted?

All roles are within scope of remediation. However, some people will not receive a remediation payment as they have been paid correctly.

Has anyone been over-paid?

Yes, some employees may have received payments which exceed the entitlements of the Holidays Act. As a matter of routine Te Whatu Ora will not be seeking recovery of overpayments.

How much is owed to staff?

An estimated 270,000 current and former employees are impacted by this remediation work and are estimated to be owed \$1.405 billion (as estimated at June 2021 for the 2021 financial year).

Where is the money coming from to pay for remediation?

The Government will provide the funding for the payments once each project has completed the required assurances.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

If I am entitled to a payment, how much am I likely to receive?

- Unfortunately, it is not possible to give an estimate of how much individual employees will receive because earnings history and leave patterns are unique to each person.
- Each employee's payment will be recalculated individually for the remediation period from 01 May 2010, to the last working day or the end of the last pay period. As a result, each eligible payment amount will be different.
- Each person who is entitled to a payment will receive a statement of how that entitlement was calculated.

What if I started working at a DHB after 2010?

If you joined a local team after 2010, then your remediation review period begins on the date you commenced employment with that District.

Why does this remediation work take time?

- The estimated number of current and historic employees covered by the work is 270,000 across more than 19 payroll and rostering systems. The complexity of the health workforce – its size and mobility, and the different employment arrangements means that work patterns vary from traditional hours to shift work on a 24/7 basis
- Calculation of remediation payments requires aligning with 26 National Collective Agreements and 33 single collective agreements that require some form of interpretation. This makes for a complex employment, payroll and leave management environment.

What process is Te Whatu Ora using for calculating remediation payments?

- We've reviewed our employee records and assessed each leave type. We've reviewed what was paid to them from 1 May 2010 and calculated the difference of what they should have been paid
- Where there is any under-payment on a line of pay for a leave type, a payment is owed to the employee
- This means projects are calculating pay by line, by leave type, from 1 May 2010 to current day for approximately 270,000 people across 19 payroll and rostering systems in NZ
- The liability is estimated from the set of accounts from the Districts and as of June 2021 was calculated at \$1.405 billion.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Date for Payments for staff in the Auckland Metro Region

Who in the Auckland District will get paid?

If you are employed in the Auckland District and you:

- Do not leave or move to another District, your Remediation payment is currently planned for 28 July 2023
- End your employment with Te Whatu Ora before 18 July 2023, your Remediation payment will be paid in mid-2024. You will need to register with the Former Employee Portal.
- Move to Waitemata or Counties Manukau Districts before 18 July 2023, your Remediation payment for the Auckland District will be made as part of the former employee group in mid-2024. You will need to register with the Former Employee Portal. Remediation payment for Counties or Waitemata is currently planned for September 2023.
- Move to another District within Te Whatu Ora before 18 July 2023, your remediation payment for the Auckland District will be made as part of the former employee group in mid-2024. This means that you will need to register with the Former Employee Portal. Your Remediation payment for your new District will be paid when that Districts is scheduled to make remediation payments (see below).

Who in Waitemata will get paid?

If you are currently employed in Waitemata and you:

- Do not leave or move to another District, your Remediation payment is currently planned for 21 September 2023.
- Leave Te Whatu Ora before September 2023, your Remediation payment will be paid in mid-2024.
- Move to Auckland before 18 July 2023, your remediation payment for Waitemata will be paid in mid-2024 and your Remediation payment for Auckland is currently planned for 27 July 2023.
- Move to Auckland after 18 July 23, and before 12 September 2023, your remediation payment for Waitemata will be paid in mid-2024. There will be no Remediation payment for Auckland as those systems will be Holidays Act compliant from July 2023.
- Move to another District within Te Whatu Ora before 12 September 2023, your remediation payment for Waitemata will be paid in mid-2024. Your Remediation payment for your new District will be paid when that Districts is scheduled to make remediation payments.

If you are currently employed in Waitemata and you move to:

- Counties Manukau before 12 September 2023, your Remediation payment for Counties Manukau is planned for 21 September 2023 and for Waitemata is mid-2024.

If you are currently employed in Counties Manukau and you move:

- To Waitemata before 12 September 2023, your Remediation payment for Waitemata is planned for 21 September 2023 and for Counties Manukau is mid-2024.

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Who in Counties Manukau will get paid?

If you are currently employed in Counties Manukau and you:

- Do not leave or move to another District, your Remediation payment is currently planned for 21 September 2023.
- Leave Te Whatu Ora before September 2023, your Remediation payment will be paid in mid-2024.
- Move to Auckland before 18 July 2023, your remediation payment for Counties Manukau will be paid in mid-2024 and your Remediation payment for Auckland is currently planned for 27 July 2023.
- Move to Auckland after 18 July 23, and before 12 September 2023, your remediation payment for Counties Manukau will be paid in mid-2024. There will be no Remediation payment for Auckland as those systems will be Holidays Act compliant from July 2023.
- Move to another District within Te Whatu Ora before 12 September 2023, your remediation payment for Counties Manukau will be paid in mid-2024. Your Remediation payment for your new District will be paid when that Districts is scheduled to make remediation payments.

If you are currently employed in Waitemata and you move to:

- Counties Manukau before 12 September 2023, your Remediation payment for Counties Manukau is planned for 21 September 2023 and for Waitemata is mid-2024.

If you are currently employed in Counties Manukau and you move:

- To Waitemata before 12 September 2023, your Remediation payment for Waitemata is planned for 21 September 2023 and for Counties Manukau is mid-2024.

Frequently Asked Questions (FAQs)

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When will payments be made to other projects

Payment dates for other organisations

If you work for NRA, Health Alliance, Health Source or NZ Health Partnership, your dates for payment as the same as Counties Manakau and Waitemata.

Why do the payment dates vary?

- Payments dates will vary for each payroll because each payroll team is working through their own processes and there are many variables and assumptions.
- It is anticipated all projects will be completed for current employees by mid-2024. The first project is expected to make payments in late July 2023 with the rest of the projects progressively making payments to current staff month by month.
- Payments to former staff will begin later in 2023 and it is expected there will be a train of payments as former staff come forward to have their entitlement checked.
- We will advise people through a variety of communications channels. In our payroll system we already have all the details needed to make payments.
- Each impacted employee will receive a statement with a breakdown of how any payments were calculated.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Which entities is Te Whatu Ora making remediation payments for?

On 1 July 2022, 28 entities were merged formed to create Te Whatu Ora.

Not all entities are covered by the Holidays Act remediation. Employees who joined Te Whatu Ora from of the following entities are not covered by the remediation:

- TAS
- Health Promotion Agency
- Health Share
- Ministry of Health
- MBIE.

I work for Te Aka Whai Ora what happens to me?

Te Aka Whai Ora was set-up to comply with the Holidays Act. For staff who started new with Te Aka Whai Ora you are paid correctly. However:

- If you transferred to work for Te Aka Whai Ora from one of the entities covered by the remediation (the 20 former DHBs, HealthAlliance, HealthSource, NRA or Health Partnerships) you will receive any remediation payment owing to you from that entity as part of the former employee process.
- Your data will be updated in the Te Aka Whai Ora payroll which might generate a further remediation payment.
- The former employee payments will occur during 2024, so it might take some time to correct the data in the Te Aka Whai Ora payroll.

I was an RMO, and I am now an SMO?

- You will receive a payment as a current employee from the payroll you are currently paid by. This payment will relate to the period from your start date on that payroll irrespective of the roles you have held.
- If you ended your employment as an RMO (say, you took a break or holiday before starting as an SMO) and started again on that payroll as an SMO, then you will need to register to claim your payment as a former employee.
- If you used to work for another entity which joined to become part of Te Whatu Ora on 1 July or DHB you will need to register to claim your payment as a former employee.

Frequently Asked Questions (FAQs)

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Information about the payrolls

What's the issue with Te Whatu Ora payroll systems?

- Nationally, there are seven payroll vendors, 19 payroll systems and 20 rostering systems all needing to be configured to achieve compliance with the Holidays Act.
- Each system must continue to operate while the payroll team also contribute their expertise to the remediation work and to fixing the configuration of systems and processes.

Are our payrolls now compliant with the Act?

The payroll systems will be configured for compliance before any remediation payments are made.

Will everyone receive a payment?

No. Not every current or former employee is impacted by the non-compliance issues. Some types of holiday pay were correctly calculated, which means not everyone will receive a payment.

Has anyone been over-paid?

Yes. As a matter of routine Te Whatu Ora will not be seeking recovery of overpayments.

How much is owed to staff?

An estimated 270,000 current and former employees are impacted by this remediation work and are estimated to be owed \$1.405 billion (as estimated at June 2021 for the 2021 financial year).

Where is the money coming from to pay for remediation?

The Government will provide the funding for the payments once each project has completed the national assurance framework and Te Whatu Ora and Treasury have approved that the framework has been complied with.

If I am entitled to a payment, how much am I likely to receive?

- Unfortunately, it is not possible to give an estimate of how much individual employees will receive because earnings history and leave patterns are unique to each person.
- Each employee's payment will be recalculated individually for the remediation period from 2010, to the last working day or the end of the last pay period. As a result, each eligible payment amount will be different.
- Each person who is entitled to a payment will receive a statement of how that entitlement was calculated.

Frequently Asked Questions (FAQs)

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What if I started working at a DHB after 2010?

If you joined a local team after 2010, then your remediation review period begins on the date you commenced employment with that District.

If I joined a Te Whatu Ora team after 1 July 2022, am I being paid correctly?

The national corporate payroll is compliant with the Holidays Act. If you joined after 1 July 2022 and are being paid from the corporate payroll your pay and leave is correct. The 19 district payrolls and the 4 shared service entities are covered by the remediation.

If I am entitled to a payment, how will I be paid?

We currently hold all the details we currently need in our payroll system to make a payment to current staff who are eligible. For former staff, there will be a website to log details and the projects will attempt to contact people.

Will payments include interest?

No.

How will any remediation payment affect my income tax or benefits?

The Inland Revenue website contains useful information on the tax treatment of lump sum payments such as an arrears payment. You can also contact Inland Revenue directly on 0800 227 774.

When holiday pay is paid as a lump sum it is generally taxed.

Inland Revenue are aware that remediation payments are being made, so contact them if you have any questions about how this might impact any benefit payments you receive.

How will superannuation contributions be managed?

All superannuation contributions (employee and employer) will be calculated and deducted as part of any remediation payment.

How will student loan repayments be managed?

Student loan repayments will be calculated as part of any remediation payment.

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What about voluntary KiwiSaver deductions?

Voluntary KiwiSaver deductions won't be deducted from any remediation payment. It's the responsibility of the individual for their voluntary KiwiSaver deductions to be paid directly to Inland Revenue

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Frequently Asked Questions (FAQs)

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Remediation payments and your tax, benefit and financial obligations

Getting the help and guidance, you might need

For those staff who have received a Holidays Act remediation payment, please consider how this money might impact your tax obligations and entitlements and payments you receive from the Ministry of Social Development (MSD).

Before you spend your remediation payment

If you have received a payment from the MSD or Inland Revenue (IR) since May 2010, before spending any of the Holidays Act remediation payment, please contact them to confirm that you do not have to refund anything you have received.

Tax, Obligations and Entitlements

For our employees, your earnings are 'taxed at source' which means that payroll deducts a percentage of your taxable earnings and pays these directly to Inland Revenue (IR). The deduction is based on guidance tables published by the IRD. Generally speaking, the more you earn the more tax you will pay. As tax rates are banded, earning additional income can sometimes push you into a higher tax bracket. This means your tax obligations and entitlements might change.

The best thing you can do is speak to someone at Inland Revenue after you have received your payment. They will offer you clear guidance and can answer any tax questions you might have. You can also seek some advice from a financial advisor or accountant if you would like an independent opinion: 0800 775 247

Payments from Ministry of Social Development

If you receive payments from the Ministry of Social Development (MSD), please contact them to explain you have received a remediation payment. They will be able to provide you with further information on how remediation payments are treated with respect to any MSD payment/payments you receive: +64 4 916 3300

Personal circumstances and family law matters

If you are currently divorcing your spouse, or have a divorce settlement in place, we suggest that you speak to your family lawyer or solicitor about your payment.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

What is the Holidays Act and why might I be getting a payment?

- The Holidays Act 2003 sets out how payment for leave and final pay is to be calculated and paid. The Act came into effect in April 2003
- While the Act is generally easy to follow for those working traditional hours (9-5), it has proved complex for some employers to interpret for shift work, variable days and hours or those with flexible work patterns, which impacts many in the health workforce
- This resulted in some entitlements for annual leave, bereavement and sick leave, public holidays and alternative holidays (lieu days) not being correctly calculated and means some of our people may not have received everything they were entitled to and may not have been paid correctly
- We are fixing this by calculating and making remediation payments to anyone who has been incorrectly paid in the last six years. Please note, not everyone will receive a payment as some staff have already been paid correctly.

If I am entitled to a payment, how much am I likely to receive?

- It is not possible to give an estimate of how much employees will receive because earnings history and leave patterns are unique (e.g. fixed or variable hours, overtime, public holiday or other allowances)
- Each employee's payments will be recalculated individually for the remediation period from 2010 to the last working day or the end of the last pay period. As a result, each eligible payment amount will be different
- Each person who is entitled to payment will receive a statement of how that entitlement was calculated
- The Unions have been involved and have been monitoring the Holidays Act remediation payment work, so you can have confidence that you will be paid correctly if you are entitled to a payment.

How will this be paid?

- We currently hold all the details we currently need in our payroll system to make a payment to those who are eligible. Auckland District employees will be paid at the end of July
- Counties Manukau and Waitemata will be paid at the end of September
- Current employees will be paid first and then the payments owing to former staff will be calculated; a current employee is considered to be anyone employed by Te Whatu Ora - Health New Zealand and any payments due will be based on the current position/s you hold.
- Staff who have moved between Districts or have left the service will be able to register and enquire if they are owed payment through a Remediation Payment portal currently under development for 2024.

Will payments include interest?

No, remediation payments will not include interest.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

How will any remediation payment affect my income tax or benefits?

The Inland Revenue website contains useful information on the tax treatment of lump sum payments such as an arrears payment. You can also contact Inland Revenue directly on 0800 227 774. In general, when holiday pay is paid as a lump sum it is taxed.

How will KiwiSaver and superannuation contributions be managed?

KiwiSaver deductions and contributions will be calculated as part of any remediation payment. Other superannuation contributions won't be calculated or deducted due to the way in which they're calculated.

How will student loan repayments be managed?

Student loan repayments will be calculated as part of any remediation payment.

What about voluntary KiwiSaver deductions?

Voluntary KiwiSaver deductions won't be deducted from any remediation payment. It's the responsibility of the individual for their voluntary KiwiSaver deductions to be paid directly to Inland Revenue.

Will my payments from the Ministry of Social Development be impacted?

MSD are aware that remediation payments are being made. You should contact them if you have any questions about how this might impact any benefit payments you receive.

Personal circumstances and family law matters

If you are currently divorcing your spouse, or have a divorce settlement in place, we suggest that you speak to your family lawyer or solicitor about your payment.

Banking: Debts and Savings

Once you have identified any tax or financial obligations that need to be taken care of first, you may wish to speak to your bank. They can offer you advice on debt repayments, debt restructuring or opening a savings account to help you get the most out of your payment. They can also offer advice on how to invest wisely and help you look at things objectively when assessing the risks and benefits of investing your money.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Rectifying our processes: changes affecting all employees

What changes will affect all employees in Te Whatu Ora?

- You will be aware that annual leave has been recorded in hours. In future, annual leave will be maintained in weeks as this is the metric used in the Holidays Act.
- This means that all employees will receive correct minimal leave entitlement which will be based on what constitutes a week for each employee.
- If you are a new starter who has not worked for 14 weeks, it will be based on your contracted hours or average hours up to that point.
- Mahi ē Taea will be used across all services in the Auckland Metro Districts to record working hours. While this system cannot display leave in weeks, employees will see their leave balance in weeks on their payslips.

How do I know what my working week is?

- Determining what is a working week has been the subject of significant debate, mediation, and legal advice too.
- Te Whatu Ora and our Union partners agree that a working week will be based on either your contracted hours or if hours and days are variable, the average hours you have worked over the last 14 weeks whichever is higher.

Were the Unions involved in establishing what is a working week?

Yes. Te Whatu Ora and the Unions have worked together to reach the model for establishing a 'working week.'

What happens to our existing annual leave balance when you change from hours to weeks?

Existing annual leave balances convert to weeks based on your contracted hours only. For example, if the employee has an annual leave balance of 165 hours and weekly contracted hours are 32, the calculation is: 165 hours divided by 32 - which equals 5.16 weeks annual leave ($165/32 = 5.16$).

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

What happens when I apply for leave? How is this calculation made then?

When an employee applies for leave, the proportion of the week deducted is based on contracted hours for full-time employees or the greater of contracted hours and the average hours worked 14 weeks prior to the leave being taken.

For example: your weekly contracted hours are 24, but in the 14 weeks prior to taking leave you worked on average 30 hours per week. Your week is based on 30 hours. So, an application for one ten-hour day annual leave in the week, will have 0.33 deducted from your balance ($30/10$ hours = 0.33).

- The proportion of leave is determined at the time the leave is taken based on the 'working week' model agreed between Te Whatu Ora and the Unions.
- Where there is a pattern of change, or a permanent change, the manager will agree with the employee on what constitutes their 'working week.'
- Any change will be recorded in writing, signed by both parties, and Payroll notified to update the system.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Understanding ‘what is a week’

Why does a ‘working week’ matter?

As each employee is entitled to a minimum of four weeks’ annual leave based on what genuinely constitutes a ‘working week’ for the employee at the point the leave is taken. It is therefore necessary to have a definition of a ‘working’ week, to ensure that every employee receives the minimum entitlement and correct payment.

What is a ‘working week’?

The national solution for defining a ‘working week’ is the greater of the employee’s contracted or fixed hours or the average hours worked over the 14 weeks before the leave is taken for those working variable days and hours. Examples:

- If you are contracted to work 35 hours a week, that is your ‘working week’
- If you work different days and hours or irregularly or intermittently, the 14- week average will be used to work out your entitlement.

How do you work out what is a working week for individuals who work variable days and hours?

The working week is determined by the employee’s work pattern reflecting what is an ‘agreed week’ for the employee and by what is recorded in the payroll system. Mahi ē Taea, the system to be used across the Auckland Metro Districts to record working days and hours, and to apply for leave, will display your leave in hours, your payslip and Kiosk will show it in weeks.

Have the unions been involved in establishing a ‘working week’?

Yes, determining what is a ‘working week’ has been the subject of consultation and feedback. It’s an important question because it impacts both leave and pay.

Is my agreed ‘working week’ recorded in writing?

Yes, if you are a permanent employee it will be the hours of work in employment agreement.

What happens if my work pattern shows regular changes?

Where there is a change to your hours of work or pattern of work, your manager will submit a form stating your hours of work. A permanent change will be agreed with the employee on what constitutes their ‘working week.’ Any agreed change will be recorded in writing, signed by both parties, and Payroll notified to update the system.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

What happens when I take leave in a week where I am rostered to work more hours than what constitutes an average week for me?

Employees who have variable rosters and take annual leave in a week where rostered hours are greater than the agreed or fixed hours will have more than their contracted week deducted.

When I apply for annual leave, how is this calculation made?

When an employee applies for leave, the proportion of the week deducted is based on contracted hours for full-time employees or the greater of contracted hours and the average hours worked 14 weeks prior to the leave being taken. The table below provides some examples.

<p>An employee who works 5 days a week, 40 hours per week, so the conversion is straightforward.</p>	<p>The entitled and accrued balance is divided by 40. For example, the employee has a total balance of 232 hours, so the conversion is: $232 \text{ hours} / 40 = 5.8 \text{ weeks}$.</p>
<p>An employee who works less than 40 hours per week and the same number of days and hours every week (say 3 days and 24 hours). The conversion uses the hours worked - in this case it's 24 hours.</p>	<p>The employee has entitled and accrued 232 hours of Annual Leave. The standard hours worked is 24, so the conversion is: $232/24 = 9.6667 \text{ weeks}$.</p>
<p>An employee who works a 9-day fortnight. This could be 40 hours one week, and 32 hours in the other week.</p>	<p>The entitled and accrued Annual Leave balance of 232 hours is divided by their average fortnightly hours, so the conversion is: (40+32)/2 = 36 hours) Annual Leave balance in hours divided by average fortnightly hours: $232/36 = 6.4444 \text{ weeks}$.</p>

Casual staff

<p>Pay As You Go (PAYG) employees – also known as Casual Employees.</p>	<p>Casual employees with irregular work patterns are paid 8% PAYG with their pay each fortnight. There is no change for this group.</p>
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Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Pay and Leave entitlements and calculations

How will I know I am being paid correctly under the Holidays Act in future?

The Holidays Act uses five common terms that are central to calculating payment for Annual Leave, Bereavement, Alternative, Public Holidays, Sick and Family Violence Leave.

How the terms are applied for calculating annual and other leave are shown in Appendix i.

How will my annual leave balance in hours be converted to weeks?

The Memorandum of Understanding (MoU) between the CTU, MBIE and the 20 DHBs (now Te Whatu Ora) provides that to convert current leave balances from hour or days to weeks.

The conversion is based on contracted hours only at the date of conversion. For Auckland District this is 17 July 2023. For example, if the employee has an annual leave balance of 165 hours and weekly contracted hours are 32, the calculation is 165 hours divided by 32 which equals 5.1 weeks annual leave ($165/32 = 5.1$).

When I apply for leave how is my working week this calculated?

When an employee applies for leave, the proportion of the week deducted is based on contracted hours for full-time employees or the greater of contracted hours and the average hours worked 14 weeks prior to the leave being taken.

For example: your weekly contracted hours are 24, but in the 14 weeks prior to taking leave you worked on average 30 hours per week. Your week is based on 30 hours.

So, an application for one ten-hour day annual leave in the week, will have 0.33 deducted from your balance ($30/10 \text{ hours} = 0.33$).

Where can I find information regarding other leave I am entitled to?

Employees are entitled to other leave provided for under the Holidays Act which covers bereavement/tangihana; Public and Alternative holidays, Sick Leave; and Family Violence Leave.

You can contact your Union, talk to your manager or email AskHR.

You can also access the Holidays Act, at Holidays Act 2003 No 129 (as of 12 April 2022), Public Act Contents – New Zealand Legislation.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

What are the Leave Types?

Bereavement/tangihana leave

If an employee is taking annual leave, then suffers a bereavement, the employer will allow the person to take any period related to bereavement that they would otherwise take as an annual holiday, as bereavement leave. (Holidays Act Section 37)

Public Holidays and Alternative holidays

There are 12 Public Holidays each year. If a Public Holiday occurs during an employee's annual leave it is treated as such, and not as part of the employee's annual leave. This applies also if the employment comes to an end, and the employee is entitled to annual leave; has taken the annual leave, or only some of it. An employee is entitled to be paid for a Public Holiday if the holiday would have been an otherwise working day (Holidays Act Section 36-40)

If an employee does not work on a public holiday and the day would otherwise be a working day for the employee, the employer must pay the employee not less than the employee's relevant daily pay or average daily pay for that day. The employee receives at least time and a half for working on a public holiday (Holidays Act sections 49 and 50)

If an employee works on a public holiday, the employee is entitled to another day's holiday i.e., an Alternative holiday. This applies if the public holiday falls on a day that would otherwise be a working day for the employee and the employee works in accordance with their employment agreement. The Alternative holiday remains in a leave balance until it is taken, or the employee has been paid for the holiday. (Holiday Act Section 56).

Sick Leave

All employees are entitled to a minimum of 10 days sick leave per annum. If an employee becomes sick during their annual leave or has a spouse or partner or dependent who becomes sick or injured, with agreement, the employee may take any period of sickness or injury that the employee would otherwise take as annual leave, as sick leave. (Holidays Act Section 36)

Family Violence Leave

If an employee is taking annual leave and becomes entitled to family violence leave (under section 72C) the employer will allow the employee to take any period related to the effects of family violence that the employee would otherwise take as an annual leave, as family violence leave. (Holidays Act Section 37A (1)(2).

Parental Leave:

Please see the relevant section.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Parental Leave

Why are you making this change to parental leave?

This change is taking place for two reasons:

- To ensure that we are paying our employees correctly as determined by the Parental Leave, and Employment Protection Act (1987) and the Holidays Act (2003).
- To have consistency across the Auckland Metro region.

What does this mean for my annual leave when I return from parental leave?

The way you accrue annual leave will change. You will notice that you have an additional leave code in Mahi ē Taea and in Kiosk:

- **Annual Leave earned on Parental (ALP):** This figure represents the annual leave you accrue since the leave anniversary date before your parental leave started, it will continue while you are on parental leave and after you return, it will stop accruing after your first leave anniversary upon your return
- **Annual Leave in Weeks (ALW):** This figure represents that leave entitlement that you did not use prior to going on parental leave.
- **Annual Leave (AL)** – this balance is no longer displayed because it has been converted into ALP or ALW.

Do I use ALP or ALW to apply for leave?

You can apply for leave using either balance.

What is there a difference between ALP or ALW?

- ALP will be calculated and paid at your average weekly earnings (AWE) for the previous 12 months.
- ALW will be calculated and paid at the higher of Ordinary Weekly Pay (OWP) or AWE

What happens if I apply for leave from a code that has no balance or a negative balance?

The payroll system will check if you have any remaining leave in your other annual leave balance and will use that. If you don't have any remaining balance or not enough to cover your requested leave, then it will be processed as leave without pay.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

What happens to my ALP if I decide not to return from parental leave?

If you choose not to return to work, legislation states that your employment ends on the day the parental leave started. Any of your annual leave that you have earned since your last anniversary date will be paid as a percentage of your gross earnings.

Where can I find more information on this?

Please check the intranet or speak to your Manager or local HR Business Partner.

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Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Information for Senior Medical Officers

What are the key changes?

The key changes for the SMOs are:

- Your FTE will be recorded in the payroll system. For those with FTE of more than 1.0, this will now be recorded
- Your annual leave will be based on weeks not hours or days
- Your current leave balances will be converted to weeks of leave.

Recording Working Hours

To calculate Holidays Act entitlements, the employer is required by law, to keep accurate records of when every employee works.

Why are these changes being made?

The changes are being made to be compliant with the Holidays Act 2003 and the MECA in how our holiday pay and other leave is calculated. The legislation applies to all employees. The Act provides that all employees are entitled to a minimum of four-week annual leave. A 'week' means the working week of the employee at the point the leave is taken.

What happens if we don't follow the processes for recording the time SMOs work?

Without this information it is possible some employees will not receive their correct entitlements or pay for leave.

Why is the payroll system being reconfigured to enter actual FTE?

- For historical reasons, the Payroll has not been able to enter the more than 80 hours of work per fortnight into the system for an employee
- The payroll system is now reconfigured. The correct number of hours recorded in the workbook along with the right hourly rate are aligned with the MECA. This information will be displayed on payslips, for employees who have a contracted FTE greater than 1.

What is the impact on my pay, will it change?

The amount a person is paid every week will not change. However, individuals will see a change on their payslips as to how the total amount is calculated. SMOs will see the total hours paid at the correct rate instead of 80 hours at an inflated rate.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

What happens to my allowances and claims?

The total amount you will be paid remains the same. Some allowances will appear as a single line on your pay slip instead of being spread across the fortnight. If you have questions, please talk to your manager or HR business partner.

What will I see on my payslips once the change is implemented?

- Currently, payslips display the work pattern recorded in Mahi ē Taea. The system displays work patterns from the bottom of the workbook, including standard work patterns and allowances along with any correcting entry for variable pay periods.
- The number of hours is capped at 80 per fortnight and often the hourly rate is inflated where an employee's FTE is greater than 1.
- From 17 July 2023, SMOs will see their correct work hours for the fortnight, the correct hourly rate reflected by their MECA salary step, along with correcting entries and allowances.
- How a pay is made up will be transparent.

Will averaging of salaries between pay periods remain?

Yes.

Will the SMO workbook process remain?

Yes.

My workbook is incorrect, what should I do?

The process regarding workbooks has not changed. Any concerns regarding your workbook should be discussed with your manager. Workbooks need to be reviewed annually.

How are additional duties considered?

Additional duties are an important contributor to calculating an employee's entitlements. For this reason, Payroll need to know certain details such as what days the work occurs on and how much is earned on each day.

This information is used by payroll to determine such matters as regular work patterns that might not be evident by just looking at rosters; whether this payment be included when calculating a person average pay; and how many days a person works in a year.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Do these changes apply to Medical Officers?

Yes.

Will training be provided?

Yes. Mahi ē Taea trainers will be available to lead individual or group sessions.

What will happen to our local roster?

Services will continue to manage their local rosters.

What will happen to Medi-Rota?

Medi-Rota licences will not be renewed beyond 2024. Please talk to your manager about this.

From spreadsheets to Medi-Rota to Mahi ē Taea. Will this change again?

No decision has been made about implementing a nationwide attendance and rostering tool. If there is to be a change, any decision regarding this is likely to be some way off. In the meantime, the Auckland Region is required to keep attendance records to ensure compliance with the Holidays Act and we will do this in Mahi ē Taea.

What is the difference between what is required of SMOs and other employees?

The processes being applied to recording SMO attendance and leave is the same as for other employees.

How will SMOs apply for leave?

SMOs will apply for leave using Mahi ē Taea, either on their desktop PC or via the mobile app. Any local process for notifying your manager or the person who prepares the roster should continue until there is a decision within your Service to change.

How will I know who is on leave when planning my own time off?

A process is underway to develop functionality so this can be viewed in Mahi ē Taea. For privacy reasons, it is likely the view will show if a person is rostered or not and not the specific leave type.

How are Payroll informed of changes to work patterns?

It's important the person in your team who updates Mahi ē Taea is notified off any changes to the roster or when someone takes leave that is not applied for in Mahi ē Taea.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

Who do I contact regarding my pay change issues?

In the first instance an email enquiry should be sent to the AskHR team.

On call

Will leave be debited from my balance to account for being on call?

The on-call component of the job size will be removed from the definition of a week for leave purposes. Swapping to another time means the time is worked and therefore there is no deduction from the balance. If it is not swapped, then a deduction should occur.

Are on call hours recorded in Mahi ē Taea?

On call hours are not recorded as they are paid as an allowance.

Will I be deducted more annual leave if I am on annual leave during my on-call period?

We are aware that many SMOs are paid for being on call every fortnight but work a roster so might be required one week in four.

The usual practice is to swap this week to another when the SMO would be available. If they don't swap, the total on call that would have been worked for those days would need to be recorded in Mahi ē Taea so that these hours are included in the calculation.

For Continuing Medical Education (CME), what is the definition of a day?

The number of hours debited for leave depends on whether the SMO is rostered for being. The SMO is rostered to work a day of any length and takes CME. They do not work any other duties that day. This is debited as a full day of CME leave. The number of hours does not matter in this situation.

Here are some examples:

- The SMO has a two-day conference. The first day is on a day they are usually rostered for 10 hours. The second day is a day they would have been rostered for 5 hours. Both days are debited a full day of CME leave. The reason is both days count as a day each, as the length of a day is whatever the number of hours the SMO was rostered to work.
- The SMO has a two-day conference. The first day is on a day they are usually rostered for 10 hours. The second day is a day they were not rostered to work. Both days are debited a full day of CME leave plus the SMO receives 1 day in lieu. The reason why both days count as a day each, is they usually do not work on the second day. The conference hours count as a day and they will also receive a day in lieu.
- The SMO attends a conference for 4 hours, then completes their clinical and non-clinical duties after that for 8 hours. This is debited as a third of a day of CME leave.

Frequently Asked Questions (FAQs)

AMHA – Taken from Compendium V1 – 17 July 2023

- The only time part-days are debited is when the day is split between CME leave and other duties. In this scenario the SMO spends a third of their working day on CME leave, therefore is only debited that amount.

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