

1966/212



**THE EDUCATION BOARDS' EMPLOYMENT REGULATIONS
1958, AMENDMENT NO. 10**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 19th day of December
1966

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Education Boards' Employment Regulations 1958, Amendment No. 10, and shall be read together with and deemed part of the Education Boards' Employment Regulations 1958* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by adding the following definition:

“‘Working day’ means a day on which a whole-time officer is required by the terms of his employment to be on duty for not less than 7½ hours.”

3. The principal regulations are hereby amended by inserting, before the word “Schedule” in each place where it occurs in regulation 4 and in the heading to the existing Schedule, the word “First”.

*S.R. 1958/106

Amendment No. 1: (*Revoked by S.R. 1960/50*)

Amendment No. 2: S.R. 1960/50

Amendment No. 3: S.R. 1961/30

Amendment No. 4: S.R. 1962/170

Amendment No. 5: (*Revoked by S.R. 1965/94*)

Amendment No. 6: S.R. 1963/220

Amendment No. 7: S.R. 1965/94

Amendment No. 8: S.R. 1965/137

Amendment No. 9: S.R. 1966/70

4. (1) The principal regulations are hereby amended by revoking regulation 22 and the heading thereto, and substituting the following regulations and headings thereto:

“Leave on Retirement

“22. (1) The following classes of whole-time officers shall, on the establishment of eligibility to retire in accordance with this regulation, be entitled as of right to retiring leave in accordance with the Second Schedule to these regulations:

“(a) All male whole-time officers:

“(b) All female whole-time officers who had less than 20 years' service at the 1st day of April 1962 and who received a benefit by way of increase in either salary or maximum as a result of the implementation of the Government Service Equal Pay Act 1960:

“(c) All female whole-time officers appointed on or after the 1st day of April 1962.

“(2) A whole-time officer shall be eligible to retire for the purposes of this regulation—

“(a) At any time after he or she has attained the age of 60 years and has completed not less than 10 years' service; or

“(b) At any time after he or she has completed 40 years' service if that service was commenced before the 1st day of January 1946.

“22A. The following additional classes of female whole-time officers shall, on the establishment of eligibility to retire in accordance with this regulation, be entitled as of right to the retiring leave prescribed in this regulation:

“(a) Female whole-time officers appointed before the 1st day of April 1962 who did not receive a benefit by way of increase in either salary or maximum resulting from the implementation of the Government Service Equal Pay Act 1960, who shall be entitled to retiring leave as follows:

Qualification Required	Amount of Retiring Leave (In Working Days)
Completion of 35 years' service . .	131 days.
Completion of 30 years' service where the whole-time officer has been employed continuously from a date before the 1st day of April 1946, or completion of 20 years' service and age 50 years or more	65 days or in accordance with Part B of the Second Schedule to these regulations, whichever is the greater amount.
Completion of 10 or more years' service and age 60 years or more, except where any of the foregoing provisions of this paragraph apply	In accordance with Part A of the Second Schedule to these regulations.
Completion of 10 years' service but less than 20 years' service and age 55 years or more, except where any of the foregoing provisions of this paragraph apply	22 days.

“(b) Female whole-time officers who were 55 years of age or who had 35 years’ service at the 1st day of April 1962, irrespective of whether or not they received any benefit resulting from the implementation of the Government Service Equal Pay Act 1960, who shall be entitled to retiring leave as follows:

Qualification Required	Amount of Retiring Leave (In Working Days)
Completion of 35 years’ service . .	131 days.
Completion of 20 or more years’ service	In accordance with Parts A and B of the Second Schedule to these regulations.
Completion of 10 or more years’ service and age 60 years or more, except where any of the foregoing provisions of this paragraph apply	In accordance with Part A of the Second Schedule to these regulations.
Completion of 10 years’ service, but less than 20 years’ service and age 55 years or more, except where any of the foregoing provisions of this paragraph apply	22 days.

“(c) Female whole-time officers who had 20 or more years’ service at the 1st day of April 1962, and who received a benefit by way of increase in either salary or maximum as a result of the implementation of the Government Service Equal Pay Act 1960, who shall receive leave according to service in accordance with the Third Schedule to these regulations.

“22b. (1) Any whole-time officer (whether male or female) may relinquish office on medical grounds before reaching his optional retiring age and be eligible for retiring leave as of right, if—

“(a) He is accepted for retirement by the Superannuation Board in terms of section 36 of the Superannuation Act 1956; or

“(b) Not being a contributor to the Superannuation Fund, he produces medical evidence to satisfy his employing Board that his retirement would be so accepted by the Superannuation Board were he a contributor.

“(2) Leave entitlement under this regulation shall be 65 working days where length of service does not exceed 25 years, but shall in all other cases be granted in accordance with Part B of the Second Schedule to these regulations.

“22c. (1) A whole-time officer with over 20 years’ continuous service shall be entitled as of right (but subject to subclauses (2) and (3) of this regulation) to leave on full pay in anticipation of retiring leave in accordance with the Fourth Schedule to these regulations:

“Provided that an officer with less than 20 years’ continuous service who would be entitled to retiring leave if he is retired from the Board’s Service may, at the discretion of the Board, be permitted to anticipate up to one-half of that retiring leave.

“(2) Every approval to anticipate retiring leave shall be conditional on a written undertaking given by the officer that, in the event of his resigning before completion of his full term of service, he will refund the value of any number of days of leave taken in anticipation (calculated at the gross salary rate applicable at the time when anticipated leave was taken) which are in excess of the number of days' leave due on resigning.

“(3) An officer shall give three months' notice of his intention to take anticipated retiring leave. The actual period of the leave shall be subject to the convenience of the Board under which the officer holds his employment, but shall in no case be less than one month at any one time, and the Board shall not withhold the granting of the leave beyond 12 months from the date of application.

“(4) Anticipated retiring leave taken shall not be counted as service for retirement purposes.

“22D. A Board, on the facts of each case, may grant retiring leave to whole-time officers whose services are dispensed with through no fault of their own before retiring age, according to the following table:

Qualification Required	Amount of Retiring Leave (In Working Days)
Completion of 15 years' service ..	65 days.
Completion of 10 and under 15 years' service	44 days.
Completion of 5 and under 10 years' service	22 days.

“Leave on Resignation

“22E. (1) A Board may, at its discretion, grant resigning leave to whole-time officers who have completed 20 years' continuous service, but who have not reached their optional retiring age. Such leave shall be granted in accordance with the Fifth Schedule to these regulations irrespective of age at the time of resignation.

“(2) In special circumstances a Board may grant resigning leave to officers with less than 20 years' continuous service who are less than 60 years of age.

“Additional Leave on Retirement or Resignation in Certain Cases

“22F. (1) A Board may, in exceptional circumstances, grant to any person who was a whole-time officer of a Board at the commencement of these regulations leave on full pay on his retirement or resignation up to 65 working days in excess of that to which the officer would be entitled under any of the provisions of regulations 22, 22A, 22B, and 22E of these regulations, but in no case shall the total leave on full pay granted to the officer on his resignation or retirement exceed 131 working days.

“(2) This regulation shall remain in force until the 1st day of February 1975, and shall then expire.

"Leave on Marriage"

"22G. (1) A Board may at its discretion grant resigning leave to a female whole-time officer who resigns to be married, or who resigns after having married while in the service of the Board, subject to the following conditions:

"(a) When an officer resigns to be married, the granting of leave shall be subject to the condition that marriage takes place within six weeks of leaving the employment of the Board:

"(b) When an officer continues in the employment of the Board after marriage, the leave that is granted may be taken in part or whole at the time of marriage. Any leave not taken at the time of marriage may be taken only when leaving the service of the Board together with any further leave which has become due by reason of further service.

"(2) The scales on which marriage leave will be based are as follows:

Scale A (which shall apply to female whole-time officers who completed 5, 10, or 15 years' service before 1 April 1962)

Qualification Required	Amount of Leave (In Working Days)
5 and up to 10 years' service and production of marriage certificate	22 days.
10 and up to 15 years' service and production of marriage certificate	44 days.
15 years' service and production of marriage certificate	65 days.

Scale B (which shall apply to female whole-time officers who marry on or after 1 April 1962 or who complete 5 years' service on or after 1 April 1962)

Qualification Required	Amount of Leave (In Working Days)
5 to 19 years' service and production of marriage certificate	22 days.
20 years' service or more	30 days.

"Reduction of Leave Entitlement in Certain Cases"

"22H. Notwithstanding anything in the foregoing provisions of these regulations, a Board shall, in calculating a whole-time officer's entitlement to leave in accordance with any of the provisions of regulations 22, 22A, 22B, 22C, 22D, 22E, and 22G of these regulations, reduce the period of the officer's service by any continuous periods exceeding three months during that service in which the officer has been absent other than for sickness, rehabilitation leave, study leave on pay, or military service, or for such other purposes as the Review Committee may from time to time determine.

"Cash Grant Instead of Leave"

"22I. Instead of granting leave under any of the provisions of regulations 22, 22A, 22B, and 22D or additional leave on retirement under regulation 22F of these regulations, the Board may, on the application of the officer, grant a lump sum gratuity equivalent in value to that leave.

“22J. A Board may approve a cash payment to the widow or dependants of a deceased whole-time officer of a sum the equivalent in money of the leave that would have been granted to the deceased whole-time officer under these regulations had he retired from the Board's employment on the date of his death.”

- (2) The following regulations are hereby consequentially repealed:
 - (a) Regulation 2 of the Education Boards' Employment Regulations 1958, Amendment No. 3:
 - (b) Regulations 7 and 8 of the Education Boards' Employment Regulations 1958, Amendment No. 6.

5. Regulation 24 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) In special cases, a Board may grant to a whole-time officer special leave of absence, including war disability leave. Any such leave shall, if with pay, be subject to such terms and conditions as the Review Committee may, with the approval of the Minister, from time to time determine, but shall, if without pay, be subject to such terms and conditions as the Board thinks fit.”

6. The principal regulations are hereby amended by inserting, after the First Schedule thereto, the Second, Third, Fourth, and Fifth Schedules set out in the Schedule to these regulations.

SCHEDULE

NEW SECOND, THIRD, FOURTH, AND FIFTH SCHEDULES TO THE
EDUCATION BOARDS' EMPLOYMENT REGULATIONS 1958

Regs. 22, 22A, 22B "SECOND SCHEDULE

RETIRING LEAVE

PART A

Entitlement (in Working Days) With Service of Years and Months Specified

Months	0	2	4	6	8	10
Years						
10	22	23	24	24	25	26
11	26	27	28	29	29	30
12	31	31	32	33	34	34
13	35	36	36	37	38	39
14	39	40	41	41	42	43
15	44	44	45	46	46	47
16	48	49	49	50	51	51
17	52	53	54	54	55	56
18	56	57	58	59	59	60
19	61	61	62	63	64	64
20 to 25 ..	65	..	..	..	..	..

PART B

Months	0	2	4	6	8	10
Years						
25	65	66	66	67	68	69
26	69	70	71	71	72	73
27	74	74	75	76	76	77
28	78	79	79	80	81	81
29	82	83	84	84	85	86
30	86	87	88	89	89	90
31	91	91	92	93	94	94
32	95	96	96	97	98	99
33	99	100	101	101	102	103
34	104	104	105	106	106	107
35	108	109	109	110	111	111
36	112	113	114	114	115	116
37	116	117	118	119	119	120
38	121	121	122	123	124	124
39	125	126	126	127	128	129
40 or more ..	131	..	..	..	..	..

SCHEDULE—continued
 "THIRD SCHEDULE
 RETIRING LEAVE

Reg. 22A (1) (c)

Entitlement (in Working Days) with Service of Number of Years Specified

Years of Service at 1 April 1962	Total Years of Service																					
	40	39	38	37	36	35	34	33	32	31	30	29 if Age 51	28 if Age 52	27 if Age 53	26 if Age 54	25 if Age 55	24 if Age 56	23 if Age 57	22 if Age 58	21 if Age 59	20 if Age 60	
35	131	131	131	131	131	131	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
34	131	131	131	131	131	108	104	..	..	..	..	..	..	..	..	..	..	..	..	..	..
33	131	131	131	131	112	108	104	99	..	..	..	..	..	..	..	..	..	..	..	..	..
32	131	131	131	116	112	108	104	99	95	..	..	..	..	..	..	..	..	..	..	..	..
31	131	131	121	116	112	108	104	99	95	91	..	..	..	..	..	..	..	..	..	..	..
30	131	125	121	116	112	108	104	99	95	91	86	..	..	..	..	..	..	..	..	..	..
29	131	125	121	116	112	108	104	99	95	91	86	82	..	..	..	..	..	..	..	..	..
28	131	125	121	116	112	108	104	99	95	91	86	82	78	..	..	..	..	..	..	..	..
27	131	125	121	116	112	108	104	99	95	91	86	82	78	74	..	..	..	..	..	..	..
26	131	125	121	116	112	108	104	99	95	91	86	82	78	74	69	..	..	..	..	..	..
25	131	125	121	116	112	108	104	99	95	91	86	82	78	74	69	65	..	..	..	..	..
24	131	125	121	116	112	108	104	99	95	91	86	82	78	74	69	65	65	..	..	..	..
23	131	125	121	116	112	108	104	99	95	91	86	82	78	74	69	65	65	65	..	..	..
22	131	125	121	116	112	108	104	99	95	91	86	82	78	74	69	65	65	65	65	..	..
21	131	125	121	116	112	108	104	99	95	91	86	82	78	74	69	65	65	65	65	65	65	
20	131	125	121	116	112	108	104	99	95	91	86	82	78	74	69	65	65	65	65	65	65	

NOTE (a) "Age" refers to completed years.
 (b) For each additional two months of service five-sevenths of one day's retiring leave will be granted up to a maximum of 131 days.

SCHEDULE—*continued*

Reg. 22c (1)

"FOURTH SCHEDULE

RETIRING LEAVE

Entitlement (in Working Days) with Service of Years and Months Specified

Months			0	3	6	9
Years						
20	..	..	65	66	66	67
21	..	..	68	69	69	70
22	..	..	71	71	72	73
23	..	..	74	74	75	76
24	..	..	76	77	78	79
25	..	..	79	80	81	81
26	..	..	82	83	84	84
27	..	..	85	86	86	87
28	..	..	88	89	89	90
29	..	..	91	91	92	93
30	..	..	94	94	95	96
31	..	..	96	97	98	99
32	..	..	99	100	101	101
33	..	..	102	103	104	104
34	..	..	105	106	106	107
35	..	..	108	109	109	110
36	..	..	111	111	112	113
37	..	..	114	114	115	116
38	..	..	116	117	118	119
39	..	..	119	120	121	121
40 or more	..	..	122	..	..	..

SCHEDULE—*continued*

“FIFTH SCHEDULE

Reg. 22E

RESIGNING LEAVE

Years of Service	Leave (Working Days)	Years of Service	Leave (Working Days)
20	32	30	46
20½	33	30½	47
21	34	31	48
21½	34	31½	49
22	35	32	49
22½	36	32½	50
23	36	33	51
23½	37	33½	51
24	38	34	52
24½	39	34½	53
25	39	35	54
25½	40	35½	54
26	41	36	55
26½	41	36½	56
27	42	37	56
27½	43	37½	57
28	44	38	58
28½	44	38½	59
29	45	39	59
29½	46	39½	60”

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations vary the provisions of the principal regulations governing leave on retirement or resignation or marriage, and cash grants instead of leave in these cases.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1966.

These regulations are administered in the Department of Education.