

COVID-19 (Coronavirus):

Employee-related and general Q&As

Related to Level 3

Updated 29 April 2020

For the period up to 30 May 2020, unless revised earlier

New Zealand moved to Alert Level 3 at 11:59 pm on 27 April 2020, and this will be reviewed on 11 May.

These Q&As will be reviewed on or about 11 May, or prior if circumstances change.

Payment and leave types

<i>Scenario</i>	<i>Pay or leave type</i>
If you are working on site.	You are paid as normal or rostered working time.
If you are working from home, by agreement.	You will be paid as normal working time. If you work from home, you must be available and contactable in ordinary hours.
If you are not working due to reduction of work activities and not deployed elsewhere [Refer to further information below in section titled: <i>Alert 3 – Staff not able to work from home or on site - short term pay related plan</i>]	<ul style="list-style-type: none"> ⇓ Pandemic Paid Special Leave up to 1 May 2020 ⇓ Annual leave on agreement or as directed with 14 days' notice ⇓ Explore other paid leave options (e.g. lieu days, LSL) ⇓ Special Leave (base rate or salary) <p>Please note you may be called upon and requested to work if circumstances change.</p>
Employee sick with COVID-19 or other illness	Sick Leave
Employee requested to self-isolate for 14 days by a doctor or on MOH advice	<ul style="list-style-type: none"> ⇓ Working from home if able to ⇓ Paid Pandemic Special Leave up to 1 May ⇓ Sick Leave ⇓ Special Leave (base rate or salary)
Level 3 children at home	⇓ Working from home (by agreement)

Scenario	Pay or leave type
	↓↓ Annual Leave
Employee 70 years and over, not cleared to work on site*	↓↓ Working from home if able to ↓↓ Paid Pandemic Special Leave up to 1 May ↓↓ Sick Leave or Annual Leave ↓↓ Explore other paid leave options (e.g. lieu days, LSL) ↓↓ Special Leave (base rate or salary)
Employee or family member with vulnerable pre-existing health condition, not cleared to work on site*	↓↓ Working from home if able to ↓↓ Paid Pandemic Special Leave up to 1 May ↓↓ Sick or Domestic Leave or Annual Leave ↓↓ Explore other paid leave options (e.g. lieu days, LSL) ↓↓ Special Leave (base rate or salary)

Note: *Managers should contact the Occupational Health Team (Patrick Maney or Melissa Taylor) and their HR Business Partner for advice where needed.

Alert 3 – Staff not able to work from home or on site - short term pay related plan:

- We are now in Level 3 of NZ’s Covid-19 response. The pandemic is still impacting many of the services we provide across KiwiRail.
- To assist our financial situation acknowledging the reduction in overall activity and revenue, and in order to give as much certainty as possible to people about their income, we have asked all people to use 5 days of their Annual Leave across May-June. The response to that request has been outstanding and we are grateful to people for that.
- For the past 5 weeks, Paid Pandemic Special Leave has been provided to support those staff who cannot work, paid at the rate of Relevant Daily Pay, or what they would have been earning had they been working. This type of leave ends on 1 May.
- For some parts of our business, there are currently no jobs to return to and people are at home, unable to work because of the reduction in our services.
- There are also some employees who are restricted in their ability to work due to the Alert Level restrictions related to age (70 or over) or the presence of pre-existing health conditions.
- It is acknowledged that requests that people use annual leave post 1 May are by agreement, and we are asking that if people have leave available and there are no roles they can be redeployed into then, in the spirit of us getting through this together, we ask that people consider using paid leave if they have it available.
- KiwiRail will need to start utilising the mechanism to require people to take annual leave in some instances, which requires two weeks’ notice. This will be actioned over the coming days.
- Where required noting the stepped approach indicated in the table below, Special Leave will be provided, paid at base rate, i.e: your hourly rate x 80 hours per fortnight. This is different from, and in some instances less than, Relevant Daily Pay which has been paid to date.
- We will continue to work with the unions as we navigate the coming weeks.

- Set out below is the **short term plan** to ensure that we can continue to pay people in the above scenarios over the coming weeks.

Planned approach in stepped order
Explore if work can be provided from home or on site, such as temporary redeployment - central contact for temporary redeployment is via Talent Acquisition Manager Pauline Brown
Schedule 5 days AL where this has already been agreed
Where people have high annual leave balances, more than 5 days leave may be requested
Issue 14 days' notice requiring staff to take AL where necessary. We will attempt to maintain a balance of 15 days' AL for employees, after additional AL has been used. (Template letter via HRBP)
Where there are situations where there is a shortfall (no leave available and no work) then Special Leave will be provided paid at base rate, i.e.: your hourly rate x 80 hours per fortnight. This is different from, and in some instances less than, Relevant Daily Pay which has been paid to date.


Government COVID-19 Wage Subsidy

Question	Response
Is there an update on the possibility of KiwiRail applying for the Government Wage Subsidy?	<p>KiwiRail has been in discussions with Ministers over our ability to apply for the wage subsidy and the interplay between other government stimulus measures, and what this could potentially mean for KiwiRail.</p> <p>We confirm we are applying for the Government Wage Subsidy and this is underway.</p> <p>The people support and pay strategy QAs will be reviewed and communicated if KiwiRail is provided the subsidy.</p> <p>Further information will follow on the wage subsidy, in the interim information is available on the following websites: https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/wage-subsidy/ https://workandincome.govt.nz/covid-19/support-for-employers.html</p>
What is the Government Wage Subsidy?	<p>This is a special payment that businesses can apply for if they are impacted by COVID-19 and if they meet certain criteria.</p> <p>The subsidy is available to help keep staff employed by subsidising the payment of wages or salaries.</p> <p>There are criteria for applying including - the employer must:</p> <ul style="list-style-type: none"> • have experienced a minimum 30% decline in actual or predicted revenue over the period of a month when compared with the same

Question	Response
	<p>month last year, and that decline must be related to COVID-19;</p> <ul style="list-style-type: none"> • have taken active steps to mitigate the impact of COVID-19; and • make best efforts to retain employees and pay them a minimum of 80% of their normal income for the subsidised period.
<p>How is it paid?</p>	<p>The subsidy is paid as a lump sum direct to the employer and covers 12 weeks per employee. Businesses can only get this subsidy once. This subsidy is assist the employer to continue to pay staff i.e. contributing to the employers ability to pay wages and salaries including leave.</p> <p>The rate paid to the employer is:</p> <ul style="list-style-type: none"> • \$585.80 for people working 20 hours or more per week • \$350.00 for people working less than 20 hours per week.

Other Q&As

Question	Response
<p>I am a designated essential worker / a worker rostered on site and have a person in my household with underlying health conditions which make them particularly vulnerable OR an older person in my household. Do I have to work?</p>	<p>As part of our controls for management of COVID-19, KiwiRail continues to have in place increased measures to keep our staff and customers safe. These include increased cleaning and sterilisation processes in our workplaces, PPE, social distancing protocols in line with MOH guideline. All employees should be practising good hygiene standards when leaving work, before interacting with family members. Specific guidance from Zero Harm is available on our COVID-19 site on IKON and your manager. If you are concerned please discuss with your manager who will seek appropriate advice on your situation. Managers should contact the Occupational Health Team prior to any decision.</p>
<p>What do I do if I have run out of paid sick leave entitlement?</p>	<p>Situations should be looked at on a case-by-case basis, with managers working with HR to determine whether any additional entitlements exist under a particular employee's Collective or Individual Employment Agreement and what other leave entitlements may be utilized when an employee or their child /dependents are sick, but they have no paid sick leave.</p> <p>Forms of leave should ideally be explored and exhausted in the following order:</p> <ul style="list-style-type: none"> ⇓ Sick Leave; ⇓ Lieu days;

Question	Response
	<ul style="list-style-type: none"> ⇓ Shift Leave; ⇓ Current Annual Leave entitlement (agreed with the employee to take); ⇓ Accrued Annual Leave (agreed with the employee to take); ⇓ Annual Leave in advance (agreed with the employee to take); Annual leave will be debited against leave as it accrues. Note that if the employee leaves their employment before accrual becomes available, they will be expected to repay this leave; ⇓ Leave Without Pay. <p>If you are unwell but have no paid sick leave left, please discuss this with your manager who will consider options in conjunction with Human Resources</p>
<p>Does the request asking people to take one week (up to 5 days) Annual Leave in the two-month period of May and June still apply?</p>	<p>Yes, that request is still in place.</p> <p>[Please see the Q&AS posted on 9 April and on COVID-19 website or embedded below]</p> <div style="text-align: center;">  </div> <p>KR Covid-19 AL QAs - 9 April 1445hrs.pdf</p>