

# NZPPA Employment Records Checklist

There are two official records that an employer must have, maintain and provide if requested, they are:

- The Wages and time record under Section 130 of the Employment Relations Act 2000, and
- The Holidays and leave records under Section 81 of the Holidays Act 2003

There is nothing in legislation that states that these records must be contained in a payroll system. They can be in written form or in a form or in a manner that allows the information in the record to be easily accessed and converted into written form (such as an electronic file).

## *Who can request these records?*

The following persons have the right to access both records if a request is made: the employee, authorised representative, a representative of a union of which the employee is a member and a Labour Inspector.

## *Timeframe for access and retention of these records?*

- **Wages and time record:** Provide immediately with access to or a copy of or an extract from any part or all of the wages and time record relating to the employment of the employee by the employer at any time in the preceding 6 years at which the employer was obliged to keep such a record.
- **Holidays and Leave record:** Must provide as soon as practicable. Information entered in the holiday and leave record must be kept for not less than 6 years after the date on which the information is entered.

## *The result of not having these records?*

This is a legal requirement you **MUST** record, retain and then provide these records if requested. If the business does not do this then the following can apply:

- MBIE can provide an improvement notice and if not resolved then a demand notice, worst case potential prosecution where fines can be applied including interest for any outstanding leave payments to employees.

## Wages and time record (Section 130, Employment Relations Act 2000)

Section & subsection of the act	1. Has this information been stored (Y/N)	2. If "Y" where is it located?	3. If "Y" can you produce the record going back 6 years (if applicable for an employee) (Y/N)	4. If "N" under (1) how can this information be recovered now to add to the record? (Y/N)	5. If "No" under (4) how will this data be collected, stored and provided going forward?
<b>Section 130(1)</b>					
(a) the name of the employee:					
(b) the employee's age, if under 20 years of age:					
(c) the employee's postal address:					
(d) the kind of work on which the employee is usually employed:					
(e) whether the employee is employed under an individual employment agreement or a collective agreement:					
(f) in the case of an employee employed under a collective agreement, the title and expiry date of the agreement, and the employee's classification under it:					
(g) the number of hours worked each day in a pay period and the pay for those hours:					

<b>Section &amp; subsection of the act</b>	<b>6. Has this information been stored (Y/N)</b>	<b>7. If "Y" where is it located?</b>	<b>8. If "Y" can you produce the record going back 6 years (if applicable for an employee) (Y/N)</b>	<b>9. If "N" under (1) how can this information be recovered now to add to the record? (Y/N)</b>	<b>10. If "No" under (4) how will this data be collected, stored and provided going forward?</b>
(h) the wages paid to the employee each pay period and the method of calculation:					
(i) details of any employment relations education leave taken under Part 7:					
(j) such other particulars as may be prescribed.					

## Holiday and leave record (Section 81, Holidays Act 2003)

Section & subsection of the act	11. Has this information been stored (Y/N)	12. If "Y" where is it located?	13. If "Y" can you produce the record going back 6 years (if applicable for an employee) (Y/N)	14. If "N" under (1) how can this information be recovered now to add to the record? (Y/N)	15. If "No" under (4) how will this data be collected, stored and provided going forward?
<b>Section 81(2)</b>					
(a) the name of the employee:					
(b) the date on which the employee's employment commenced:					
(c) the number of hours worked each day in a pay period and the pay for those hours:					
(d) the employee's current entitlement to annual holidays:					
(e) the date on which the employee last became entitled to annual holidays:					
(f) the employee's current entitlement to sick leave:					
(g) the dates on which any annual holiday, sick leave, or bereavement leave has been taken:					
(h) the amount of payment for any annual holiday, sick leave, or bereavement leave that has been taken:					

<b>Section &amp; subsection of the act</b>	<b>16. Has this information been stored (Y/N)</b>	<b>17. If "Y" where is it located?</b>	<b>18. If "Y" can you produce the record going back 6 years (if applicable for an employee) (Y/N)</b>	<b>19. If "N" under (1) how can this information be recovered now to add to the record? (Y/N)</b>	<b>20. If "No" under (4) how will this data be collected, stored and provided going forward?</b>
(ha) the portion of any annual holidays that have been paid out in each entitlement year (if applicable):					
(hb) the date and amount of payment, in each entitlement year, for any annual holidays paid out under section 28B (if applicable):					
(i) the dates of, and payments for, any public holiday on which the employee worked:					
(j) the number of hours that the employee worked on any public holiday:					
(ja) the day or part of any public holiday specified in section 44(1) agreed to be transferred under section 44A or 44B and the calendar day or period of 24 hours to which it has been transferred (if applicable):					
(k) the date on which the employee became entitled to any alternative holiday:					

Section & subsection of the act	21. Has this information been stored (Y/N)	22. If "Y" where is it located?	23. If "Y" can you produce the record going back 6 years (if applicable for an employee) (Y/N)	24. If "N" under (1) how can this information be recovered now to add to the record? (Y/N)	25. If "No" under (4) how will this data be collected, stored and provided going forward?
(l) the details of the dates of, and payments for, any public holiday or alternative holiday on which the employee did not work, but for which the employee had an entitlement to holiday pay:					
(m) the cash value of any board or lodgings, as agreed or determined under section 10:					
(n) the details of any payment to which the employee is entitled under section 61(3) (which relates to payment in exchange for an alternative holiday):					
(o) the date of the termination of the employee's employment (if applicable):					
(p) the amount paid to the employee as holiday pay upon the termination of the employee's employment (if applicable):					

Section & subsection of the act	26. Has this information been stored (Y/N)	27. If "Y" where is it located?	28. If "Y" can you produce the record going back 6 years (if applicable for an employee) (Y/N)	29. If "N" under (1) how can this information be recovered now to add to the record? (Y/N)	30. If "No" under (4) how will this data be collected, stored and provided going forward?
(q) any other particulars that may be prescribed.					
<b>Section 81 (3)(c)</b>					
An employee on salary with agreed hours are any additional hours outside what was agreed recorded?					