Guidelines on the College’s Sick Leave Policy for Employees

The Sick Leave regulations apply to all College staff employed in permanent positions, contract of indefinite duration and staff on fixed term contracts with a comparator as defined by the Protection of Employees (Fixed Term Workers) Act 2003. The guidelines below should be read in conjunction with the College’s Sick Leave Regulations for further clarification. These are available on request to your Supervisor/ Head of School, or on the Staff Office Web-Site. www.tcd.ie/staff_office

All benefits are on a pro-rata basis, based on the individual staff member’s contract.

Informing Head of Department of Absence/ Medical Certificates

- A staff member must inform his/her Head of Department or nominated delegate, personally, by telephone, as early as possible on the first day of absence and may be asked to substantiate the absence by medical certification which, in any event, will be required following the third day of absence. If known, the staff member should indicate the expected length of absence.

- Normally a medical certificate should not cover a person for more than 1 week. As soon as an employee has a medical certificate (required after three consecutive days of absence) it should be sent directly to their Head of School/ Department. If a staff member is absent for a short period (1 week or less) they may submit their medical certificate on their return to work.

- For a minor/illness or injury or if a person is likely to absent for a short period, the expiry date of a medical certificate is sufficient to deem the person fit to return to work. However, after long term absence or if the nature of one’s illness/ injury is likely to impact on a one’s job a ‘fitness to return to work certificate’ is required, prior to returning to work.

- In any calendar year the maximum number of days allowable without medical certification may not exceed 7 days. Any period of sick leave in excess of this must be certified, even if it is for a single day. If a person fails to provide a medical certificate following 7 days uncertified absence, this is considered unauthorised absence.
from work and may result in the following: deduction of the equivalent amount from the individual’s salary and referral of the matter under the College’s Disciplinary Procedures.

**Social Welfare Benefit**

Members of staff in insurable employment (e.g. PRSI Class A1) are entitled to claim State benefit when absent through illness. This benefit **must** be claimed and surrendered to the College in lieu of sick pay.

The relevant social welfare claim form is available from your GP. Section 6 (i.e. Payment Method) should be completed as follows:

- Tick the box that directs payment to the College (Employer) and not to the Employee.

- An electronic payment will be made to the College. The Employer’s Details for the payment to be made to are –

  Bank                | Bank of Ireland
  Address             | College Green, Dublin 2
  Name of Account     | TCD NO 4 Account
  Sort Code           | 900017
  Account Number      | 10023986

- Social Welfare will issue a statement of payments made to the Staff member as way of confirmation that payment has been issued. A copy of this statement **must** be submitted by the Employee to their Department for record keeping purposes.

If a staff member opts to keep their social welfare instead of sick pay they should tick the box that submits payment direct to the Employee and inform their manager immediately that this is what they wish to do.

- If a staff member fails to claim a social welfare payment, this is a breach of the individual’s contract of employment and of the sick leave policy and the equivalent amount will be deducted from the individual’s salary.
• If a staff member continuously fails to claim social welfare benefits, this is a breach of the individual’s contract of employment and of the sick leave policy and may result in the following action: withdrawal of sick pay and/or referral of the matter under the College’s Disciplinary Procedures.

Medical Examinations

• At any time during absence, or, as appropriate, a staff member must if so required by the University, submit to a medical examination by a registered medical practitioner nominated by the University and at the University’s expense. The member’s own doctor may be present at such examination at the member’s request and expense.

Hospital and Doctor Appointments

• If a member of staff has a hospital or doctor appointment for 9.15am or before, they should attend the hospital/doctor and return to work afterwards. (For some staff, e.g. those that work outside the normal working hours and that normally start work before 9.15am, they should attend work prior to their appointment) If a member of staff has an appointment later in the day they should attend work prior to the hospital/doctor’s appointment and return to work afterwards, if practicable.

• If an employee is to attend the hospital fasting, they will not be required to work prior to their appointment but should return to work afterwards.

• If treatment is part of the appointment (i.e. outpatients clinics) staff may not be able to return to work on that day.

• Each employee must provide their Head of Department with a record of attendance or medical certificate, confirming their attendance at such appointments. Any absences greater than 3 hours will be recorded on the individual’s sick leave card as a days certified sick leave. Absences less than 3 hours will be recorded as a half days certified sick leave.
Occupational Injury

- Where Occupational Injury/disease arises out of and in the course of employment in the College the member should report the matter to their Department Head who shall inform the Health and Safety Office, and the Staff Office on the standard form provided for this purpose. A claim should also be made for benefit under the Social Welfare (Occupational Injuries) Act, 1966. Benefits under this Act are, like all other Social Welfare Benefits, refundable to the College.

Physiotherapy Sessions

- Leave to attend physiotherapy sessions is on the employee’s own time and where practicable should be arranged outside of working hours. However, consideration may be given by the Head of Department for paid time-off, in exceptional circumstances.

- Consideration may be given by the Head of Department to an ex-gratia contribution towards the payment of Physiotherapy costs, (in exceptional circumstances) depending on the medical advice presented. In such cases, the nature of the injury should be determined by the College’s Occupational Health Clinic. Any such contribution is paid strictly on a without prejudice basis and without any admission of liability.

- Each Employee should provide their Head of Department with a record of their attendance at such appointments (if arranged during working hours)

Dental Appointments

- Leave to attend dental appointments is on the employee’s own time and where practicable should be arranged outside of working hours. However, consideration may be given by the Head of Department for paid time-off, in exceptional circumstances.

- Each employee should provide their Head of Department with a record of attendance or medical certificate, confirming their attendance at such appointments. (If arranged during work hours)
Other appointments, for example, Chiropractor, Osteopath etc should be treated in the same manner as the above.

Sick Leave and Annual Leave/ Public Holidays

- Uncertified Sick Leave will generally not be allowed immediately before or immediately after a period of annual leave. If this arises, the individual may be requested by their Head of Department to provide a medical certificate or attend a medical examination by a registered medical practitioner nominated by the College.

- If an employee is on certified sick leave prior to annual leave, they should inform their Head of Department (prior to the commencement date of their planned annual leave) whether they are to remain on certified sick leave or commence their annual leave as planned.

- If a staff member is sick during their annual leave or on a public holiday and have a medical certificate for the days they were ill, they will be entitled to take these days again at a later date to be agreed with the Head of Department. However, staff on long term sick leave will only accrue annual leave and public holidays for the first three months of paid sick leave. No annual leave will be accrued in respect of the period of any single absence which exceeds three months.

- If a person intends to travel abroad while on sick leave, they should inform their Head of Department and may be requested to attend a medical examination by a registered medical practitioner nominated by the College.

- If a staff member attends work but falls ill during the day and requests to leave work, sick leave will be recorded as follows:

  Absences greater than 3 hours will be recorded on the individuals sick leave card as a full days certified or uncertified (whichever is applicable) sick leave.

  Absences less than 3 hours will be recorded as a half days certified or uncertified (whichever is applicable) sick leave.
How to Calculate Benefits

**Note:** All benefits are on a pro-rata basis, based on the individual staff member’s contract.

1. **Less than 13 Weeks Service** (Permanent staff, Contract of Indefinite Duration, and Staff on Fixed Term Contracts)

   All staff must complete 13 weeks service in order to qualify for Sick Pay.

2. **Less than One Years Service** (Permanent, Contract of Indefinite Duration, and Staff on Fixed Term Contracts)

   The maximum benefit allowable is one month's full sick pay, one month's half sick pay. This should be calculated from the first day of the current illness.

3. **Staff on Permanent and Indefinite Duration contracts with MORE than one Year’s service**

   Sick Leave for Staff in this category is calculated in a four year period. The benefit is 6 months (130 days) full sick pay followed by 6 months (130 days) half sick pay in any four year period. In order to calculate these benefits, you must count back four years from the current date of illness, i.e. if a person falls ill on 1st September 2006, you must go back to 1st September 2002 and count the number of days of certified absence, up to the current date of illness.

4. **Staff on Fixed Term Contracts with more than one years Service**

   Staff on Fixed Term Contracts with a comparator as defined by the Protection of Employees Fixed Term Work Act 2003 would receive such benefits as outlined in 3 above on a pro rata basis, i.e.

   A Staff Member with a Fixed Term Contract of 4 years would have a benefit of 6 months full sick pay, followed by 6 months half sick pay in the four year period.

   A Staff Member with a Fixed Term Contract of 2 years would have a benefit of 3 months full sick pay, followed by 3 months half sick pay in a 2 year period.