SICK LEAVE REGULATIONS

1. **PURPOSE**

   To set out the College policy on Sick Leave.

2. **SCOPE**

   Academic and other related staff are appointed under the terms and provisions of the Statutes and the acceptance of these regulations is without prejudice to the existing rights of these staff under the Statutes. Subject to this, the rights conferred on all staff under the sick leave provisions are conditioned by the stipulations of legislation passed by the Oireachtas and by the rules of the common law and custom relating to the appointment and suspension of employees and the termination of employment.

2.1 **ELIGIBILITY**

   These sick leave regulations apply to all College staff employed in permanent positions, staff on fixed term contracts with a comparator as defined by the Protection of Employees (Fixed Term work) Act 2003 and research staff on fixed term contracts (i.e. research assistants & research fellows). All benefits are on a pro rata basis, based on the individual staff member’s contract.

2.2 **BENEFITS**

   Sick pay benefits may be allowed as follows (provided there is no evidence of permanent disability for service and subject in all cases to the provision of the Statutes and the “prolonged disability income” clause of the College Pension Scheme).

   All staff must complete 13 weeks continuous service in order to be eligible for sick pay.
(a) Interim Benefit - this applies to staff with less than 1 year's continuous service with the College.

First month of illness - Full pay
Next month of illness - Half pay

(B) Maximum Benefit - this applies to staff with over 1 year's continuous service with the College. This is subject to a maximum of 1 year's sick pay in any 4 year period.

First 6 months of illness - Full pay
Next 6 months of illness - Half pay

Note:- for weekly-paid staff read 6 months as 26 weeks, 1 month as a maximum of 23 working days.

Staff on fixed term contracts & research staff on fixed term contracts (i.e research assistants & research fellows) will receive benefits on a pro-rata basis. Two examples for clarity are set out below:

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

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

Staff must remit social welfare payments to the College in order to obtain this benefit.

If Social Welfare benefit is greater than half pay the person may retain the Social Welfare payment instead of half pay provided that the College is made aware of this choice.

(c) The Board of the College shall consider particular cases of hardship or other special cases arising from the prolonged illness beyond the periods stated above.

2.3. PROLONGED DISABILITY INCOME

(a) The College Pension Scheme contains a provision for the payment of prolonged disability income to those eligible members who are prevented
from following their occupation through sickness or accident. This income equals the individual’s full pension expectation - subject to limits by the insurer. The full text of this clause is written in the disability scheme booklet.

(b) Staff members may be permitted to continue on unpaid certified sick leave for as long as is necessary to establish eligibility for benefit under the prolonged disability clause of the College’s Pension Scheme.

2.4. LEVEL OF BENEFIT

The aim of full sick leave pay is to ensure that, for the specified period, staff who are unavoidably absent through illness retain their standard ongoing take-home pay. Accordingly, full sick pay will take into account all allowances and deductions of a permanent nature which do not vary in relation to work done, but excluding pay for overtime.

Half pay will be calculated on a pro-rata basis.

2.5 CONDITIONS OF BENEFIT

(a) The full amount of Social Welfare benefit must be claimed and surrendered to the College as soon as possible after receipt. Members of staff are entitled to claim State benefit when absent through illness for more than three days.

Where a staff member fails to claim benefit the College reserves the right to deduct the equivalent amount from his wage/salary. Where a staff member persistently fails to refund Social Welfare benefit the College reserves the right to withdraw the sick pay.

(b) A member of staff must inform his Department Head, in person, by telephone, 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.

(c) 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.

(d) Normally a medical certificate should not cover a person for more than 1 week.
2.6 MEDICAL EXAMINATION

(a) Prior to taking up employment with the College an individual may be asked to undergo a medical examination. In addition, staff are required to declare any major illnesses, accidents, injuries or inabilities which may affect their employment or their ability to do the appointed job. This can be communicated to the Recruitment Manager, the Personnel Officer or any of the College’s Student Health Service doctors in confidence. With the individual’s consent, a new entrant’s doctor may be contacted for a statement of the individual’s general history to date.

(b) At any time during absence, or, as appropriate, a 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.

(c) Medical certification will at all times be regarded as confidential documents. As a general rule it is considered undesirable and unnecessary that the nature of a person’s illness be included on the medical certificate. The inclusion of such information should only be requested with the specific consent of the individual concerned or where the College has specifically requested a medical report under the terms of these regulations.

2.7 OCCUPATIONAL INJURY

Where occupational injury/disease arises out of an in the course of employment in the College the member should report the matter to his Department Head who shall inform the Health and Safety Office, and Human Resources on the standard form provided for the purpose. He should also make a claim 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.

2.8 THIRD PARTY RESPONSIBILITY

Where it appears likely that damages may be recoverable from a third party sick pay shall be considered as an advance of wages/salary. In the event of the staff member recovering from a third party compensation for lost earnings, such compensation equivalent to payments made by the College shall, subject to any appeal being made to the Board, be refunded to the College.