Procedure for Leave and Working Arrangements during COVID-19 Outbreak

Updated 27th July 2020

1. Purpose
The University is following current public health advice in relation to COVID-19 (Novel Coronavirus). This procedure defines the University’s approach on leave and working arrangements during the COVID–19 outbreak, while following the advice of the Health Services Executive (HSE) and direction from the Department of Education and Skills (DES).

2. Scope
This procedure applies to all staff in the University.

3. Special Leave with Pay
3.1 Special leave with pay\(^1\) may be granted where appropriate HSE or medical confirmation of COVID-19 diagnosis, recommendation to self-isolate or restricted movements for close contacts is provided, in accordance with the HSE Guidelines. The HSE criteria for self-isolation and restricted movements for close contacts can be viewed [HERE](#).

3.2 Staff must complete the COVID-19 [Self-Declaration Form](#). The HSE or medical confirmation of COVID-19 diagnosis, recommendation to self-isolate or restricted movements for close contacts is required with the completed form.

3.3 Any special leave with pay granted for the purpose of self-isolation, restricted movement for close contacts or any diagnosis of COVID-19 will not count as part of the staff members sick leave record.

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\(^1\) Special leave with pay should be based on basic salary and fixed allowances, premium payments are excluded
The application of special leave with pay will apply for the number of days advised by the HSE/doctor. This will be recorded locally as CV19 Special Leave with Pay on the staff members attendance record.

3.4 When granted special leave with pay, staff will be expected to comply at once with any directions which may be given by the University and to take all practicable steps to resume duty as soon as possible. Non-compliance with this may result in the withholding of pay.

3.5 In the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide confirmation of self-isolation/restricted movement for close contacts/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.

3.6 The general principles applying to the management of sick leave, for example the requirement to contact managers, and for ongoing contact with staff who are on special leave with pay for this purpose will apply.

3.7 Where a staff member is already on special leave with pay due to self-isolation or restricted movement for close contacts and subsequently contracts COVID-19, the special leave with pay will continue for the duration of the illness, subject to medical certification being provided and the COVID-19 Self-Declaration Form being completed.

3.8 Staff on special leave with pay are not permitted to claim the COVID-19 Illness Benefit payment from the Department of Employment Affairs and Social Protection.

4. Self-Isolation

4.1 The HSE sets out the criteria for self-isolation. Staff cannot voluntarily choose to self-isolate.
4.2 Where HSE or medical advice is that the staff member must self-isolate then special leave with pay may be granted.

4.3 In the event that written HSE or medical confirmation to self-isolate is unavailable, the staff member must complete the Self-Declaration Form to record the HSE or medical advice received. The completed form should be forwarded by the staff member to their line manager as soon as possible.

5. **Restricted Movements for Close Contacts**

5.1 The HSE sets out the criteria for restricted movements for close contacts. Staff cannot voluntarily choose to restrict their movements.

5.2 Where HSE or medical advice is that the staff member is a close contact and must restrict their movements, then special leave with pay may be granted.

5.3 In the event that written HSE or medical confirmation of restricted movements for close contacts is unavailable, the staff member must complete the Self-Declaration Form to record the HSE or medical advice received. The completed form should be forwarded by the staff member to their line manager as soon as possible.

6. **Higher Risk Groups**

6.1 The HSE advice on Higher Risk groups is set out [HERE](#).

6.2 Staff should self-declare where they consider they are at higher risk of serious illness from COVID-19. Where the staff member is not ill, the line manager should prioritise alternative working arrangements e.g. working from home.

6.3 Where alternative working arrangements in the staff member’s current role is not feasible, they may be temporarily assigned to work within the University. Further details are available at paragraph 9.
6.4 Staff in this category who are ill and not available for work should provide a medical certificate covering their absence in line with the University’s Sick Leave policy.

7. Staff dealing with closures of a school/crièche due to COVID-19
7.1 Special leave with pay is not available for COVID-19 caring arrangements. Where such staff members can work from home this should be facilitated to the maximum extent feasible. Steps should be taken to increase the scope for remote working and all opportunities and flexibilities need to be explored.

7.2 There are other flexible working options that line managers can offer to staff in addition to home working arrangements. These arrangements can support staff to manage caring responsibilities at home (including facilitating shared caring arrangements with partner) and can support segregation of the workforce and social distancing measures. For example, alternative working patterns, flexible or staggered shifts and weekend working may be explored, where feasible.

8. Ordinary Sick Leave
Under the terms and conditions of the University’s Sick Leave Policy, ordinary illness should be recorded by the line manager as sick leave. If the staff member is subsequently diagnosed with COVID-19, the special leave with pay can be retrospectively applied in lieu of Sick Leave.

9. Temporary Assignment
Staff who are not medically advised to self-isolate must be available to carry out work to deliver services for the University. Where this is not possible in their substantive role, temporary assignment within their grade across the University may apply.
10. Leave arrangements on return from non-essential travel overseas

In line with Dept of Public Expenditure & Reform (DPER) guidance for public sector employees, where there is an intention to undertake non-essential travel abroad and you are required to restrict your movements on return, from 14th July 2020 all employees must make provision by way of an annual leave or unpaid leave application for the additional period of restricted movements in advance of travelling. Special leave with pay will not apply during this period, nor is working from home an option.

In line with the College’s policies, all leave is subject to the prior approval of your Manager in the context of the operational needs of the area and the role. You should discuss this with your Manager prior to travelling. The requirement that employees advise their employer of travel abroad is necessary for the protection of public health.

11. Procedures for applying for other forms of leave

Applications for any form of unpaid leave (i.e. Parental Leave, Special Unpaid Leave of Absence) must be approved in the first instance by the Head of School/Administrative and Support Area. Completed forms should be posted to HR Services, Human Resources, House 4 or emailed to hr@tcd.ie.

Parental leave requests should be made using the parental leave application form. In these extenuating circumstances and on an exceptional basis, the normal notice periods for such applications will be waived and accepted retrospectively.

Special Unpaid Leave of Absence requests should be made using the unpaid leave application form.

Force Majeure applications should be made using the application form available HERE.
12. Pre-Approved Leave and Flexitime

12.1 Annual leave and parental leave should be discharged as scheduled unless it is completely unavoidable to provide essential cover. If requests from staff to cancel / postpone approved leave are received, the Manager should give full consideration on a case by case basis to the consequence of granting the request and how it may impact the function / area overall. Where such requests are approved, the staff member should understand that it may not be possible to grant the cancelled / postponed leave at the preferred time in the future for operational reasons as a consequence of the current closure.

12.2 Shorter working year arrangements should proceed as scheduled. Where there is a business requirement, it may be possible for Managers to cancel / postpone shorter working year arrangements with the agreement of the staff member. If requests from staff to defer approved shorter working year arrangements are received, the Manager may agree to defer the arrangements on an exceptional basis and subject to business requirements.

12.3 Areas who operate a flexitime scheme are to temporarily suspend such schemes during the period of COVID-19 to facilitate the required new ways of working across the public service. Any balances accrued by staff before the temporary suspension, including any flexitime accruals and deficits, can remain and be held over until the COVID-19 working arrangements are no longer in place.

13. Record Keeping

The Organisation of Working Time Act 1997 requires employers to hold records of all forms of leave. It is important that records of all leave (CV19 special leave with pay, annual leave, unpaid leave) are kept locally in each area. These should be readily available for University and DES statistical data, if requested.