Procedure for Leave and Working Arrangements during COVID-19 Outbreak

Updated 31st August 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 pay¹ may be granted where appropriate HSE or medical confirmation of COVID-19 diagnosis or recommendation to self-isolate is provided, in accordance with HSE Guidelines. The HSE criteria for self-isolation can be viewed HERE.

3.2 Staff must complete the COVID-19 Self-Declaration Form. The HSE or medical confirmation of COVID-19 diagnosis or recommendation to self-isolate is required with the completed form.

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

¹ Special leave with pay should be based on basic salary and fixed allowances, premium payments are excluded
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 University’s Sick Leave Policy and/or the provisions of special leave with pay (including the requirement to provide bona fide confirmation of self-isolation/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/Heads 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 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 any form of 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/Head 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 Special leave with pay does **not** apply to staff who are required to restrict their movements as a precaution as they are not ill.

5.3 Where HSE or medical advice is that the staff member is a close contact and must restrict their movements, they remain available for work.

5.4 Working from home for the period of restricted movements will be facilitated, where feasible. Where it is not feasible, the staff member may then be assigned work outside of their usual core duties. Staff must cooperate with all such flexibilities while restricting their movements.

6 **High-Risk Groups**

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

6.2 Staff should self-declare to their Manager/Head where they consider they are at high risk of serious illness from COVID-19.

6.3 In accordance with Government guidelines, high-risk employees can attend the work premises and, in accordance with HSE advice, should take extra care to practice social distancing where possible and wash their hands regularly and properly.
Appropriate measures may need to be considered for staff in the high-risk category in the work premises where maintaining social distancing is difficult.

6.4 Where the staff member is not ill, the Manager/Head may prioritise alternative working arrangements e.g. working from home.

6.5 Where alternative working arrangements in the staff member’s current role is not feasible, they may be temporarily assigned work outside their core duties.

6.6 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 Very High-Risk (extremely vulnerable) Groups

7.1 The HSE advice on Very High-Risk groups is set out HERE.

7.2 Staff should self-declare to their Manager/Head where they consider they are at very high risk of serious illness from COVID-19.

7.3 Staff deemed to be very high risk should be facilitated to work from home to the maximum extent possible. Where a staff member in the Very High-Risk group is cocooning and working from home in their current role is not feasible, then they may be assigned work outside their usual core duties.

7.4 The University’s Occupational Health service may be consulted for staff in the Very High-Risk category or to determine if a staff member falls into this category. Where a staff member who is in the Very High-Risk group is assessed by the University’s Occupational Health service and is deemed to be medically unfit for work, the terms and conditions of the University’s Sick Leave policy applies.
8  **Staff Living with a Higher Risk Group Individual**

8.1  Staff living with an individual in a Higher Risk group should attend the work premises in accordance with Government guidelines and should take extra care to practice social distancing where possible and wash their hands regularly and properly, in accordance with HSE advice.

8.2  Staff in such circumstances should self-declare to their Manager/Head where they consider attending the work premises may be a risk. Such cases will be assessed on a case-by-case basis with appropriate measures implemented accordingly.

9  **Staff dealing with closures of a school/crèche due to COVID-19**

9.1  Special leave with pay is not available for COVID-19 caring arrangements. Where such staff 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.

9.2  There are other flexible working options that Managers/Heads 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.

10  **Ordinary Sick Leave**

Under the terms and conditions of the University’s Sick Leave Policy, ordinary illness should be recorded by the Manager/Head as sick leave. If the staff member is subsequently diagnosed with COVID-19, special leave with pay may be granted retrospectively in lieu of Sick Leave, subject to HSE or medical confirmation of COVID-19 diagnosis being provided and the COVID-19 [Self-Declaration Form](#) being completed.
11 **Temporary Assignment**

Temporary assignment across the wider public sector has been deactivated due to organisations moving back to resuming business as usual. Staff on the Trinity Temporary Assignment Register have been contacted and advised accordingly.

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 or they may be assigned work outside their usual core duties.

12 **Leave Arrangements on Return from Non-Essential Travel Overseas**

The Department of Public Expenditure and Reform (DPER) sets out guidelines for [Return to Work Safety Protocol for the Public Service](updated 30th July 2020). Trinity College staff in line with all public sector employees are advised against non-essential travel under the current public health COVID-19 restrictions.

Where there is an intention to undertake non-essential travel overseas to a non “green” country, all staff must make provision by way of an annual leave or unpaid leave application for the additional period of restricted movement, in line with the normal application rules for such leave. This arrangement is applicable to all civil and public servants regardless of whether they can work from home.

In this regard, Trinity College staff are required to take annual leave or unpaid leave to facilitate this period of restricted movement. Special leave with pay will **not** apply during this period and in line with public sector employees, working from home is **not** an option during that time. Staff should discuss this with their Manager/Head prior to travelling.

All leave is subject to the prior approval of the local Manager/Head in the context of the operational needs of the area and the role. The requirement for staff to advise their employer of travel abroad is necessary for the protection of public health.
13 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 this application form.

Force Majeure applications should be made using the application form available HERE.

14 Pre-Approved Leave and Flexitime

14.1 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 or postpone approved leave are received, the Manager/Head 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 or postponed leave at the preferred time in the future for operational reasons as a consequence of the closure due to COVID-19.

14.2 Shorter working year arrangements should proceed as scheduled. Where there is a business requirement, it may be possible for Managers/Heads to cancel or 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/Head may agree to defer the arrangements on an exceptional basis and subject to business requirements.
14.3 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 and flexitime is restored.

15 **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.