



## Procedure for Leave and Working Arrangements during COVID-19

### Outbreak

Updated 18<sup>th</sup> March 2021

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#### 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<sup>1</sup> may be granted where appropriate HSE or medical confirmation of COVID-19 diagnosis, recommendation to self-isolate and / or satisfactory evidence of a positive test for COVID-19 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, recommendation to self-isolate and / or satisfactory evidence of a positive test for COVID-19 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.

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<sup>1</sup> 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/satisfactory evidence of a positive test for 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 HSE or medical confirmation of COVID-19 diagnosis, satisfactory evidence of a positive test for COVID-19 and / or medical certification being provided and the COVID-19 [Self-Declaration Form](#) being completed.

3.8 If a staff member is still unwell after 28 days, they will move to ordinary sick leave arrangements, <sup>2</sup>including a referral to occupational health.

3.9<sup>3</sup> In certain circumstances, special leave with pay may be extended beyond 28 days for certified COVID-19 related illness in circumstances where:

1. The staff member had been in the work premises (any work premises outside the home) at any time during the 14 calendar days prior to commencing the self-

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<sup>2</sup> Referral to occupational health is an addition to Procedure 18.03.2021

<sup>3</sup> Section 3.9 is an addition to Procedure 18.03.2021



isolation period of a positive case of COVID-19. The attendance must have been known to and/or approved by the manager in advance.

**2.** The staff member provides their manager with medical evidence of a positive COVID-19 test including the date of this test and ongoing medical certification is submitted throughout the absence

**3.** In accordance with the standard management referral process, the Occupational Health Specialist (OHS) confirms that they are medically unfit to resume work.

**4.** The OHS confirms that their absence relates primarily to ongoing COVID-19 illness, and that they are accessing appropriate medical care.

3.10 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 remote working.

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.



## **12 Leave Arrangements on Return from Non-Essential International Travel**

The Department of Enterprise, Trade and Employment (DETE) sets out guidelines on [the Work Safely Protocol for the Public Service](#) (updated 30<sup>th</sup> December 2020). Trinity College staff, in line with all public sector employees, are advised against non-essential international travel under the current public health COVID-19 restrictions.

A legal requirement to quarantine<sup>4</sup> has been introduced for all arrivals in the state (except where the journey originates in Northern Ireland) with very limited exceptions. Anyone coming into Ireland (including those arriving from outside the Common Travel Area into Northern Ireland) is required to be in receipt of a negative Polymerase Chain Reaction (PCR) test, to complete a passenger locator form and to restrict their movements (quarantine) for 14 days. The quarantine period can finish earlier if the passenger obtains a further negative PCR test result taken no less than five days after their arrival in the State.

In such instances, staff should wait for their negative test result to be returned before ending the quarantine period. Staff can then contact their Manager/Head to arrange their return to work if the negative result is received before the 14-day quarantine period ends. Confirmation of the PCR test appointment and the result should be provided to the Manager/Head in advance of the return to work. Staff will not be permitted to return to work before the 14-day quarantine period ends without this confirmation. Further information can be found [HERE](#).

If the journey began in any of the [Category 2 countries](#), the 14 day quarantine period must be completed regardless of any follow up testing.

Where there is an intention to undertake non-essential international travel, staff must make provision by way of annual leave or unpaid leave application for the additional

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<sup>4</sup> Update on international travel quarantine requirements 18.03.2021



quarantine period, 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. Special leave with pay will not apply during this period. Working from home is not an option during this period. 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 international travel is necessary for the protection of public health.

Staff should be aware of the testing and quarantine requirements in place at the time of travel, both for their intended destination and for their return to Ireland.

### **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](mailto: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.



## **16 Controlled access to campus<sup>5</sup>**

To gain access to the campus, all staff **must present a valid ID card** to swipe in on arrival and swipe out on departure. This includes essential staff and essential researchers (as submitted by Head of School/Unit). Access is currently via the Lincoln Place Gate and the Nassau Street Entrance only.

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<sup>5</sup> Section 16 is an addition to Procedure 18.03.2021