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## Sick Leave Policy

### 1.0 Purpose

To set out the revised University Sick Leave arrangements effective from 1st September 2014.

- 1.1 The policy and procedures outlined in this scheme apply to all University staff employed in permanent positions, staff on indefinite duration contracts, staff on fixed term contracts with a comparator as defined by the Protection of Employees (Fixed Term Workers) Act 2003 and research staff on fixed term contracts (i.e. research fellows & research assistants). All benefits are on a pro rata basis, based on the individual staff member's contract.
- 1.2 Sick leave may be granted to an employee who is unable to perform their duties:
- Because of illness, injury or
  - When absent for the purpose of obtaining health-related services (e.g. Doctor/Dentist) provided such appointments could not be arranged outside of regular working hours or working days. Each employee must provide their Manager/Head with a record of attendance or medical certificate, confirming their attendance at such appointments.
- 1.3 The granting of sick leave to an employee who is ill is intended to provide an adequate opportunity for that employee to recover from the illness and its effects so that they may make an early return to duty without a likelihood of a relapse into illness. Therefore, it would be contrary to the express purpose of this policy to engage in any activity, (e.g. travel abroad, gainful employment or self-employment), which in the opinion of an Occupational Health Physician (OHP) could be regarded as

impeding that employee's progress to recovery. Referral of an employee to an OHP is dealt with in section 4.0 of this scheme.

- 1.4 The approval of the University must be sought prior to an employee travelling abroad while on sick leave.
- 1.5 The sick leave provisions for an employee working on a part-time basis will be adjusted pro-rata to their agreed attendance pattern and are subject to the normal provisions governing the granting of sick leave.
- 1.6 An employee's entitlement to sick leave shall cease on the expiry of the contract and that contract not having been renewed.

## **2.0 Transitional Arrangements**

- 2.1 Where an employee has commenced a period of sick leave prior to the 1st September 2014 and sick leave continues on and after that date, they will continue to avail of the sick leave arrangements pre 1st September 2014 for that absence. Following a resumption of duties, any subsequent sick leave absence will be dealt with under the terms of the revised sick leave arrangements outlined herein.

## **3.0 Notification and Recording of Sick Leave**

- 3.1 Any employee who is absent due to illness must notify, their Manager/Head in person, by telephone, on the first day of absence and may be asked to substantiate the absence with medical certification which, in any event, will be required following the second day of absence. The employee should, where possible, indicate the likely duration of the absence.

### **3.2 Certified Sick Leave**

Where an employee is absent on continuous sick leave of more than 2 days, a medical certificate must be provided to their Manager/Head.

To be acceptable, a medical certificate must:

- Be signed by a duly qualified medical practitioner registered with the Irish/UK Medical Council/Dental Council of Ireland. In exceptional circumstances, medical certificates may be accepted from overseas medical practitioners,

such as where an employee becomes ill abroad or is receiving a recognised medical treatment unavailable in Ireland.

- Normally cover a period of no more than one week.
- State fitness to work or otherwise.

3.3 A medical certificate must be provided if a sick absence extends from Friday to Monday inclusive.

3.4 Should an employee fail to provide a medical certificate to their Manager/Head in respect of an absence on sick leave in accordance with the policy, the Manager/Head should contact the employee to advise that if they fail to submit the required medical certification, the Manager/Head, following due process, shall record the leave as a period of unapproved sick leave and payment to the employee will be withdrawn pending a return to duty or compliance with the Policy and may be dealt with under the agreed disciplinary procedures.

### **3.5 Uncertified (Self-Certified) Paid Sick Leave**

3.6 The maximum number of days allowable without medical certification may not exceed seven working days over a rolling two year period. Any period in excess of this must be certified, even if it is for a single day. Uncertified sick leave is pro-rata for part-time workers and those staff on a fixed term contract of less than 2 years.

3.7 The count back is over a rolling two year period i.e. count back 24 months from the date of current absence.

## **4.0 Referral of an Employee to an Occupational Health Physician (OHP)**

4.1 An employer has a duty under Section 8 of the Safety, Health and Welfare at Work Act 2005 to “ensure, so far as is reasonably practicable, the safety, health and welfare at work of their employees”. The University must therefore refer the employee to an OHP for the purpose of an independent assessment where reasonable concerns exist as to the capacity of the employee to undertake their duties in a manner that is safe for both the employee and employer. It is a requirement of the sick leave policy that all participants and beneficiaries abide by the medical assessment of an OHP.

4.2 The employee is required to co-operate and engage with an OHP which may include the transmission to the OHP (by the employee's attending doctor) of a comprehensive doctor-to-doctor report, if required.

## **5.0. Ordinary Illness Leave Provisions**

5.1 All employees must complete 13 weeks continuous service in order to be eligible for sick pay.

5.2 An employee who is absent from duty because of personal illness or injury, may be granted paid sick leave of:

- A maximum of 3 months (66 working days) on full pay in a year
- Followed by a maximum of 3 months (65 working days) on half pay
- Subject to a maximum of 6 months (131 working days) paid sick leave in a rolling four year period

### **5.3 Calculating Ordinary Illness Pay Benefits**

To calculate an employee's appropriate rate of pay when absent as a result of illness or injury, there will be a dual look back system as follows:

**Step 1:** Determine whether the employee has access to paid sick leave.

The employee's sick leave is reviewed over the 4 year period from the first date of the current absence. If 6 months (131 working days) paid sick leave has not been exhausted over that 4 year period access may be granted to paid sick leave.

**Step 2:** Determine whether full pay, half pay, or Temporary Rehabilitation Remuneration (TRR; see section 7) applies.

If Step 1 indicates that the employee has access to paid sick leave, their sick leave record is then reviewed over the 1 year period from first date of the current absence to determine the rate at which sick leave may be paid. If the initial 3 months (66 working days) limit at full pay has not been exhausted, full pay may be awarded until the limit of 3 months (66 working days) is reached. Thereafter, the amount paid will be calculated based on half pay, off pay or TRR, as appropriate.

## **6.0 Critical Illness Leave Provisions**

6.1 An employee who becomes incapacitated as a result of a critical illness or serious physical injury may be granted extended paid sick leave, in exceptional circumstances of:

- A maximum of 6 months (131 working days) on full pay in a year
- Followed by a maximum of 6 months (130 working days) on half pay
- Subject to a maximum of 12 months (261 working days) paid sick leave in a rolling four year period.

6.2 The award of extended paid sick leave for critical illness or serious physical injury is a decision for the University following receipt of medical advice from an OHP.

6.3 If an employee has an ordinary illness within a 12 month period of the start date of the granting of extended paid sick leave, the critical illness provisions will apply.

### **6.4 Calculating Critical Illness Pay Benefits**

As with ordinary illness the dual look back criteria applies:

**Step 1:** Determine whether the employee has access to paid sick leave.

The employee's sick leave is reviewed over the 4 year period from first date of the current absence. If 12 months (261 working days) paid sick leave has not been exhausted over that 4 year period access may be granted to paid sick leave.

**Step 2:** Determine whether full pay, half pay, or TRR applies.

If Step 1 indicates that the employee has access to paid sick leave, their sick leave record is then reviewed over the 1 year period from the first date of the current absence to determine the rate at which sick leave may be paid. If the initial 6 months (131 working days) limit at full pay has not been exhausted, full pay may be awarded until the limit of 6 months (131 working days) is reached. Thereafter, the amount paid will be calculated based on half pay, off pay or TRR, as appropriate.

## **7.0 Temporary Rehabilitation Remuneration (TRR)**

7.1 Where the relevant period of paid sick leave has been exhausted, a pensionable employee with a minimum of 5 years' pensionable service at the end of the period of paid sick leave may be granted TRR subject to certain conditions. TRR will be calculated on:

- Pensionable pay, and
- Paid pensionable service accrued in the employment at the time paid sick leave was exhausted, together with the added years which would be awarded if ill health retirement were granted.

7.2 The amount of TRR paid should not be taken as an accurate reflection of what the employee may receive at retirement as the circumstances may be different.

7.3 The period during which TRR is paid is not a period of pensionable service.

7.4 The granting of TRR will be conditional at all times on an OHP confirming that there is a reasonable prospect of recovery and return to work.

7.5 TRR will not exceed 18 months in the case of ordinary illness.

7.6 In the case of an employee who has been granted extended sick pay under the critical illness provisions, they may have access to 12 months TRR followed by a further period of TRR not exceeding 24 months. This further period of TRR is subject to regular reviews by an OHP.

7.7 TRR will not apply in respect of Master Pension Scheme members who are already covered by the separate Income Protection Plan in place for such members and where a claim is admitted in full by the Insurer.

## **8.0 PRSI Arrangements (Social Welfare Payments)**

8.1 In the case of Class A, E, H or P PRSI contributors, the IB1 Certificate of Incapacity For Work must be completed and submitted by the employee to the Dept of Social Protection after a period of 6 consecutive days (1 week) of sick leave.

8.2 Illness benefits must be submitted in full to the University if the employee is in receipt of sick pay. At Part 5 (i.e. Your Payment Details) of the IB1 form staff should take the following steps to ensure the form is completed correctly and that the

payment comes directly to the University. The IB1 form can be obtained from your GP/Hospital.

1. Tick the box that directs payment to the Employer (University), not to the Employee
2. Enter the following details;

Bank Name:	Bank of Ireland Bank
Address:	College Green, Dublin 2, Ireland
Account Name:	Trinity No. 4 Account
Account No.:	10023986
Sort Code:	90-00-17
IBAN:	IE86 BOFI 90001710023986
BIC/Swift Code:	BOFIE2D
Account Type:	Current

Employees will receive a remittance slip from the Dept of Social Protection and are required to give this remittance slip to their Head/Manager/Supervisor as soon as possible.

## **9.0 Unpaid Sick Leave**

- 9.1 An employee who, on having exhausted the maximum period of paid sick leave (and does not qualify for TRR) is still medically unfit to resume duty and wishes to retain their position in the employment must notify the University of their intention to avail of a period of unpaid sick leave within which they may resume working if certified as fit to do so. This period of unpaid sick leave shall not normally exceed the TRR limits which are set out in Section 8.0.
- 9.2 An employee must exhaust their period of paid sick leave before they can apply for unpaid sick leave. The granting of a period of unpaid sick leave is subject to continued submission on a regular basis of acceptable medical certification to the University.
- 9.3 Prior to the expiration of unpaid sick leave, the University will seek the advice of an OHP on the employee's prospect of recovery and return to work. Where a return to

duty is not deemed viable, the University shall take such timely action as it deems appropriate, including but not limited to termination of the contract of employment.

## **10.0 Maternity Related Illness Provisions**

- 10.1 The Public Service Management (Sick Leave) Amendment Regulations 2015 SI 384 set out the provisions which relate to the interaction of pregnancy related illness with sick leave limits.
- 10.2 Where a staff member is medically unfit for work due to a pregnancy related illness she will not receive less than half pay for the duration of her pregnancy related illness, prior to going on maternity leave. This is regardless of whether she has reached the maximum half pay limits due to prior sick leave.
- 10.3 If an employee is unfit for work following maternity leave, her access to sick leave at half pay will be extended by the period of absence on sick leave at half pay due to pregnancy-related illness, which occurred before she went on maternity leave

## **11.0 Sick Leave Related Overpayments**

Where an overpayment of salary arises, for example, as a result of the late recording of sick leave absences, such overpayment will be recouped from the employee's future salary payment.

## **12.0 Resumption of Duty**

- 12.1 It is expected that an employee would be medically fit to resume full duties after a period of sick leave so that a resumption of duty would not induce a relapse into illness.
- 12.2 An employee intending to resume duty prior to the date specified on their medical certificate, must provide a medical certificate of fitness from their treating doctor before the date of resumption. In the absence of such certification the full period as recorded on the medical certificate(s) will be counted as sick leave. Certificates of fitness furnished at a later date will not be accepted as evidence of fitness for duty.
- 12.3 Prior to resumption of duties, an employee who is absent on paid sick leave for 4 or more continuous weeks, or absent for any period of TRR/unpaid sick leave or a shorter period where the University has reasonable grounds for concern must submit medical certification of fitness for duties.



### **13.0 Annual Leave**

13.1 From 1<sup>st</sup> August 2015, arising from the Amendment of the Organisation of Working Time Act 1997, the following applies:

If an employee is absent from work on certified sick leave, annual leave will accrue based on **the statutory annual leave entitlement of 20 days per annum** (pro rata for part time staff).

13.2 The annual leave accrued while on certified sick leave must be discharged within 15 months after the end of the leave year in question.

13.3 Staff members who are unable to take their annual leave at the appropriate time due to certified illness and who terminate their employment/reach the end of a contract/retire within 15 months of the end of the year in which annual leave is accrued may be entitled to a payment in lieu of this leave.

### **14.0 Public Holiday Entitlement**

14.1 Employees absent on certified sick leave will accrue benefit for the Public Holidays for the first 26 weeks of absence.

14.2 Any entitlements in respect of public holidays occurring while on certified sick leave will be addressed by additional annual leave.

14.3 These additional annual leave entitlements are to be taken within the current leave year after the sick leave period, to be agreed in advance with the Manager/Head.

### **15.0 Status during Leave**

Absences on paid sick leave (full or half pay) are fully reckonable for all purposes including seniority. Absences on TRR and unpaid sick leave are not reckonable for superannuation and increment purposes.

### **16.0 Retirement on ill health grounds**

An employee deemed medically unfit to work and who is a member of a Public Service Pension scheme, in the longer term may be entitled to certain pension benefits under the relevant pension scheme rules.

## **17.0 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 employee recovering lost earnings from a third party claim, such compensation equivalent to payments made by the University shall be refunded to the University, subject to any appeal being made to the Board.

## **18.0 Correspondence Address**

The University will address all necessary correspondence to the employee at the e-mail/ home address last notified and no fault shall lie with the University in the event that the employee does not receive such correspondence.

## **19.0 Confidentiality**

Any information which an employee provides will not be made available to any third parties and will be used only in line with the purpose for which it was provided.

## **20.0 Compliance**

All employees must adhere to the regulations and procedures set out in this scheme. Failure to abide with the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to the cessation of salary.

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