

CHAPTER THREE – SICK LEAVE SCHEME

(Should be read in conjunction with the [Introduction](#), [General Provisions for All Schemes](#), and [Definitions](#))

1. Sick Leave Scheme

- 1.1 An Occupational Health Strategy is in place as a supportive resource for teachers. The aim of this strategy is to promote the health of teachers in the workplace, with a focus primarily on prevention rather than cure. The Occupational Health Strategy comprises the Employee Assistance & Wellbeing Programme and the Occupational Health Service ([OHS](#)) for teachers.

The [Employee Assistance & Wellbeing Programme](#) incorporates confidential counselling on issues such as health, relationships, bereavement, stress, conflict, critical incident and trauma. In addition to counselling, other services include family life advice, specialist information and manager support. The Occupational Health Service incorporates pre-employment health assessments, sickness absence referrals, assessments of medical fitness for work and ill health retirement assessments.

Additional information on the Employee Assistance and Occupational Health Services may be found on [Occupational Health Strategy](#) page of the Department's website.

- 1.2 A period of illness is defined as any period in which a teacher is medically unfit to carry out his/her full duties irrespective of whether the employing school is open for normal business or not.
- 1.3 Sick Leave may be granted to a teacher who is unable to perform his/her 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 have been arranged outside of regular working hours or working days.
- 1.4 The granting of Sick Leave to a teacher who is ill is intended to provide an adequate opportunity for that teacher to recover from the illness and its effects so that he/she 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 scheme, to engage in any activity (e.g. travel abroad, gainful employment or self-employment) which in the opinion of the OHS could be regarded as impeding that teacher's progress to recovery.
- 1.5 The approval of the employer must be sought prior to a teacher travelling abroad while on Sick Leave. The employer must in turn seek the advice of the OHS before deciding on the matter.
- 1.6 Sick Leave periods are calculated retrospectively and include weekends, school closures and days on which a teacher is not timetabled for attendance (e.g. job sharers), occurring within the period of absence.

- 1.7 A teacher's entitlement to the Sick Leave provisions outlined here shall cease on the expiry of the contract and that contract not having been renewed.

2. Entitlement to Ordinary Illness Provisions

- 2.1 A teacher who is absent from duty because of personal illness or injury, may be granted paid Sick Leave of:

- A maximum of 3 months (92 days) on full pay in a year
- Followed by a maximum of 3 months (91 days) on half pay
- Subject to a maximum of 6 months (183 days) paid Sick Leave in a rolling four year period.

3. Entitlement to Critical Illness Provisions

- 3.1 A teacher 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 (183 days) on full pay in a year
- Followed by a maximum of 6 months (182 days) on half pay
- Subject to a maximum of 12 months (365 days) paid Sick Leave in a rolling four year period.

- 3.2 The award of extended Sick Leave for critical illness or serious physical injury is a decision for the employer following receipt of medical advice from the OHS.

- 3.3 If a teacher has an ordinary illness (an illness which is not regarded as critical illness) within a 12 month period of the start date of the granting of a critical illness, the critical illness provisions will apply.

- 3.4 Further information on the critical illness application, referral and appeal processes are available in the [Occupational Health Service Standard Operating Procedures](#) manual.

4. Transitional Arrangements for the Awarding of Extended Sick Pay in Exceptional Circumstances

- 4.1 In order to avoid a situation where a teacher may exhaust their access to paid Sick Leave as a result of a serious illness occurring in the 4 years' service prior to the introduction of the Public Service Sick Leave Scheme (PSSLS) a transitional arrangement has been introduced. Accordingly, extended sick pay may be granted in respect of a current sick absence where a teacher had a serious illness commencing within the 4 years' service prior to 1st September 2014. There is no requirement that

the current absence, which commenced on or after 1st September 2014, must relate to the serious illness.

- 4.2 As Critical Illness Provisions outlined in Paragraph 3 (above) did not exist prior to 1st September 2014, any illness/injury which occurred prior to this date cannot be classified as a critical illness for the purpose of access to extended Sick Leave.

However, employers can use discretion to award extended sick pay under the Critical Illness Provisions if appropriate, for a certified absence which occurs after 1st September 2014 on the basis that a teacher previously had a serious illness that meets the following criteria:

- the serious illness commenced within the 4 year service period prior to 1st September
 - commenced within a period of 4 years' service before the commencement of the current absence and
 - referral to the OHS is made in accordance with the OHS Standard Operating Procedures .
- 4.3 It is expected that this transitional arrangement will only be used in exceptional circumstances. In cases where management discretion is exercised, access to paid Sick Leave will still be subject to the maximum CIP limits provided for in the PSSLS.
- 4.4 The Department of Public Expenditure and Reform has indicated its intention to conduct a review of the Sick Leave regulations. Accordingly, if extended sick pay is awarded under this transitional arrangement, the following information must be recorded by employers and made available in the context of the review:
- Start date of the current illness/injury
 - Start date of the previous certified serious illness

While it is not obligatory to state the nature of the illness on a medical certificate, failure to include this information may lead to difficulties in considering whether access to the Critical Illness Provisions can be granted.

5. Temporary Rehabilitation Remuneration (TRR)

- 5.1 Where the relevant period of paid Sick Leave has been exhausted, a teacher with a minimum of 5 years' service (in a pensionable position either in a whole-time or part-time capacity) 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.

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

- 5.2 The period during which TRR is paid is not a period of pensionable service.
- 5.3 The granting of TRR will be conditional at all times on the OHS confirming that there is a reasonable prospect of recovery and return to work. The OHS will indicate at the 28 day referral stage whether there is a reasonable prospect of a teacher's recovery and return to work. Where the OHS advise that in their opinion there is no prospect of recovery and return to work,
- in the case of schools employing teachers and being paid directly by the Department, the employer must notify the Department immediately and take such timely action as it deems appropriate including but not limited to termination of the contract of employment.
 - in the case of ETBs, Management should take such timely action as it deems appropriate including but not limited to termination of the contract of employment.
- 5.4 TRR will not exceed 18 months (548 days) in the case of ordinary illness.
- 5.5 In the case of a teacher who has been granted extended sick pay under the critical illness provisions, he/she may have access to 12 months (365 days) TRR followed by a further period of TRR not exceeding 24 months (730 days). This further period of TRR is subject to six monthly reviews by the OHS.

6. Entitlement to Unpaid Sick Leave

- 6.1 A teacher 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 his/her position in the school/scheme must notify the employer of his/her intention to avail of a period of unpaid Sick Leave within which he/she may resume teaching if certified as fit to do so. This period of unpaid Sick Leave shall not normally exceed the TRR limits set out in Paragraph 5.
- 6.2 A teacher must exhaust his/her period of paid Sick Leave before he/she can apply for unpaid Sick Leave. The granting of a period of unpaid Sick Leave is subject to continued submission on a regular basis (max 3 months) of acceptable medical certification to the employer.
- 6.3 Prior to the expiration of unpaid Sick Leave, employers must seek the advice of the OHS on the teacher's prospect of recovery and return to work. Where a return to duty is not deemed viable, the employer shall take such timely action as it deems appropriate including but not limited to termination of the contract of employment.

7. Dual Look Back

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

Ordinary Illness

- Step 1 : Determine whether the teacher has access to paid Sick Leave

The teacher's Sick Leave is reviewed over the 4 year period from the current date of absence. If 6 months (183 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 teacher has access to paid Sick Leave, his/her Sick Leave record is then reviewed over the 1 year period from the current date of absence to determine the rate at which Sick Leave may be paid. If the initial 3 months (92 day) limit at full pay has not been exhausted, full pay may be awarded until the limit of 3 months (92 days). Thereafter, the amount paid will be calculated based on half pay or TRR, as appropriate.

Critical Illness

- Step 1 : Determine whether the teacher has access to paid Sick Leave

The teacher's Sick Leave is reviewed over the 4 year period from the current date of absence. If 12 months (365 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 teacher has access to paid Sick Leave, his/her Sick Leave record is then reviewed over the 1 year period from the current date of absence to determine the rate at which Sick Leave may be paid. If the initial 6 months (183 day) limit at full pay has not been exhausted, full pay may be awarded until the limit of 6 months (183 days). Thereafter, the amount paid will be calculated based on half pay or TRR, as appropriate.

- 7.2 The scenarios set out at [Appendix A](#) of this Chapter illustrate how the dual look back arrangement will operate.

8. Transitional Arrangements prior to September 2014 under the terms of 60/2010

- 8.1 Where a teacher has commenced a period of Sick Leave prior to 1st September 2014 and Sick Leave continues on and after that date, he/she will continue to avail of the pre SI 124 of 2014 Sick Leave arrangements for that absence i.e. a maximum of 365 days of paid Sick Leave in a rolling 4 year period. Following a resumption of duties, any subsequent Sick Leave absence will be dealt with under the terms of the Sick Leave scheme as outlined in the Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools.

9. Treatment of previous periods of Sick Leave under the new Scheme

- 9.1 As has always been the case, Sick Leave records will continue to be reviewed over a rolling 4 year period. That means that where a teacher has a sick absence on or after 1st September 2014 and has been paid more than 183 days Sick Leave in a rolling 4 year period, that teacher may find, him/herself moving immediately to half pay or TRR, as appropriate.

10. Self Certified Sick Leave

- 10.1 The maximum number of self certified Sick Leave days allowable in any rolling period of 2 consecutive years of teaching service counting backwards from the latest self certified Sick Leave absence is 7. Any self certified Sick Leave absence in excess of the maximum 7 days provided for under this paragraph will be unpaid and may be dealt with under the agreed disciplinary procedures.
- 10.2 Payment for self certified Sick Leave may be modified or withdrawn, following due process, in cases where absences are unduly frequent or the maximum number of days is regularly approached or taken year after year.
- 10.3 A teacher shall not avail of a period of self certified Sick Leave immediately after certified Sick Leave.

11. Certified Sick Leave

- 11.1 Where a teacher is absent on continuous Sick Leave of more than the authorised number of days set out in [Appendix B](#) of this Chapter, a medical certificate is required.

Should a teacher fail to provide a medical certificate to the employer in respect of an absence on Sick Leave in accordance with the scheme, the employer should contact the teacher to advise that if he/she fails to submit the required medical certification, the employer, following due process, should record the leave as a period of unapproved Sick Leave and payment to the teacher will be withdrawn pending a return to duty or compliance with the scheme and may be dealt with under the agreed disciplinary procedures.

11.2 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 a teacher becomes ill abroad or is receiving a recognised medical treatment unavailable in Ireland. The advice of the OHS must be sought in such circumstances.
- normally cover a period of no more than one week. However, certification for periods of up to one month may be permitted at the discretion of the employer.
- state fitness to work or otherwise

11.3 While it is not obligatory to state the nature of the illness on a medical certificate, failure to include this information may lead to difficulties if seeking to have the absence discounted e.g. discounting of a school closure.

11.4 Employers must safeguard the confidentiality of all information relating to the Sick Leave records of individual teachers and this applies in particular to medical certificates.

12. Notification and Recording of Sick Leave

12.1 Any teacher who is absent due to illness must notify, or make suitable arrangements to notify, the employer as early as possible on the first day of the absence. The teacher should, where possible, indicate the likely duration of the absence.

12.2 The school must notify all Sick Leave absences to the Department via the OLCS/relevant ETB system regardless of whether or not a substitute teacher was employed. It is imperative that all Sick Leave absences are notified to the Department/ETB in a timely manner as failure to do so may result in overpayment of salary to a teacher and/or the withdrawal of substitute cover for schools.

12.3 Employers are required to have procedures in place to monitor and analyse patterns of Sick Leave.

12.4 A detailed statement of all Sick Leave absences should be supplied to each teacher by the employer on request and at least one report should be provided annually. This information is available on the OLCS/relevant ETB system.

13. Sick Leave Related Overpayments

13.1 Where an overpayment of salary arises, for whatever reason, the overpayment will be recovered in full from a teacher's future salary payment in line with Circular 84/2015 "Policy and Procedures for dealing with the recovery of overpayments of salary or pension" or in the case of ETBs, Circular 32/2016 "Policy and Procedures for

dealing with the recovery of overpayments of salary”, following notification to OLCS/ETB.

14. Referral of Teachers to the OHS

- 14.1 The 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 his or her employees”. The OHS is in place to assist the employer in carrying out this duty. The employer must therefore refer the teacher to the OHS, for the purpose of an independent assessment, where reasonable concerns exist as to the capacity of the teacher to undertake his/her duties in a manner that is safe for both the teacher and students. The OHS Provider, as contracted by the Department, is the sole recognised provider of independent medical advice for teachers and employers. It is a requirement of the Sick Leave scheme that all participants and beneficiaries of that scheme abide by the medical assessment of the OHS.
- 14.2 The employer in making a referral should follow the OHS Standard Operating Procedures Manual.
- 14.3 The criteria for the referral of teachers to the OHS are as follows:
- Non-discretionary: any teacher on Sick Leave who has 4 weeks (28 days) continuous or cumulative Sick Leave absence in a 12 month rolling period of teaching service.
 - Discretionary: Teachers about whom the employer has reasonable concerns relating to their medical fitness for work.
- 14.4 The teacher is required to cooperate and engage with the OHS. While many assessments will not require attendance, it is a matter for the OHS to decide in what circumstances a teacher may be required to attend for medical assessment and/or arrange for the transmission to the OHS (by the teacher’s attending doctor) of a comprehensive doctor to doctor report.

15. Resumption of Duty

- 15.1 It is expected that a teacher 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.
- 15.2 A teacher intending to resume duty prior to the date specified on his/her medical certificate, must provide a medical certificate of fitness from his/her attending doctor before the date of resumption. In the absence of such a certificate, 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.
- 15.3 Prior to resumption of duties, a teacher 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 employer has reasonable grounds for concern must submit medical

certification of fitness for duties. Confirmation of fitness to return to duties must also be obtained by the employer from the OHS.

15.4 Where a teacher is absent on Sick Leave and has not returned to duty for a reasonable period before and after a period of school closure, the teacher will be deemed to be on Sick Leave for the whole duration unless

- the teacher provides a medical certificate of fitness to resume full duties prior to or during a period of school closure and
- the advice of the OHS as to the teacher's fitness for full duties has been obtained and to whether the school closure period or any part thereof might be discounted and
- the OHS has deemed the period of return to duty to be reasonable taking into account the medical circumstances in individual cases.

16. Reasonable Accommodation

16.1 The Employment Equality Acts require employers to take reasonable steps to accommodate the needs of employees and prospective employees with disabilities. Reasonable accommodation typically involves some modification to the tasks/structure of a job or workplace environment, which would enable such an employee to fully perform their work role and enjoy equal employment opportunities. An employer will make reasonable adjustments for teachers who have a disability, or who have acquired a disability, to have reasonable accommodation made to facilitate their return to work. However, employers are not obliged to provide special treatment or facilities if the cost of doing so is excessive or disproportionate. The employer should explore in conjunction with the teacher and the OHS any appropriate enabling options, for example: (these examples are not exhaustive):

- Making reasonable adjustments to the school building and/or working space
- Acquiring relevant equipment or modifying existing equipment
- Partial Return to Work as detailed below

17. Partial Return to Work (PRW)

17.1 This provision exists to facilitate a teacher recovering from an illness to transition back to full duties over an agreed limited period of time. Access to a PRW is not an automatic entitlement and is subject to the recommendation of the OHS and the approval of the employer.

17.2 At the end of this period it is expected that the teacher shall have reached a state of medical fitness sufficient to allow him/her to undertake full duties on a whole time basis.

17.3 The employer should ensure all reasonable steps are taken to facilitate the PRW arrangement. Decisions on PRW applications should be recorded by the employer.

- 17.4 The approved PRW arrangement will commence on an agreed date. The exact duration of a PRW arrangement will be based on the advice of the OHS and is permitted for a maximum period of one school term. PRW may commence at any time within a school term but shall not extend beyond the end of that term. An early return to full time duty from PRW may take place subject to OHS approval and agreement with the employer on an agreed date.
- 17.5 The teacher availing of the PRW must undertake to carry out their responsibilities in accordance with their contract for a minimum of 2 full school days every week. The teacher will be paid their full rate of pay for the days worked.
- 17.6 The remaining days on which the teacher does not work during the PRW (including weekends) must be recorded as Sick Leave via the OLCS/relevant ETB System. The OHS recommendation for PRW is sufficient evidence for the employer to record these Sick Leave absences. The appropriate rate of sick pay/TRR will be applied in accordance with the terms of the Sick Leave Scheme as outlined in this Chapter.
- 17.7 For teachers who were on Sick Leave prior to 1st September 2014 and resume duties under a PRW, any subsequent Sick Leave will be dealt with in accordance with the terms of the Sick Leave Scheme.
- 17.8 The employer has the right to withdraw approval of any PRW arrangement if it is not operating in the best interests of the pupils/school.
- 17.9 A substitute teacher may be employed and will be paid by the Department/ETB to cover the balance of the days that the teacher availing of the PRW arrangement is absent on Sick Leave.
- 17.10 Absences on paid sick leave (full pay and half pay) are fully reckonable for all purposes including seniority, determination of panel rights and superannuation. Absences on Temporary Rehabilitation Remuneration (TRR) are not reckonable for superannuation and increment purposes.
- 17.11 The PRW provision for teachers will be subject to review over the 2017/18 and 2018/19 school years.

18. Pregnancy Related Illness Provisions

- 18.1 The Public Service Management (Sick Leave) Regulations 2014, SI 124 of 2014, as amended by Public Service Management (Sick Leave) Amendment Regulations 2015, SI 384 set out provisions which relate to the interaction of pregnancy related illness with Sick Leave limits.
- 18.2 Where a teacher 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 Sick Leave, prior to going on Maternity Leave. This is regardless of whether she has reached the maximum limit for half pay due to prior Sick Leave.

18.3 The regulations provide for as follows:

- A transitional arrangement which discounts all PRSL taken prior to the commencement of the Public Service Sick Leave Scheme (PSSLS) 1st September 2014 for the purpose of determining access to paid Sick Leave under the current scheme.
- An ongoing arrangement whereby pregnancy related Sick Leave taken in the previous 4 years will be credited back at half pay, subject to the overall non-pregnancy related Sick Leave limits.

18.4 Employers, upon receipt of a medical certificate stating the illness to be pregnancy related, must enter the absence via the OLCS/relevant ETB system as “pregnancy related illness”. This arrangement applies only to illness occurring during pregnancy and before Maternity Leave commences.

18.5 The scenarios set out at [Appendix C](#) of this chapter illustrate how the arrangements will operate.

19. Salary Adjustment

19.1 In cases where, prior to resumption of duty, entitlement to incremental salary has been exhausted, salary will be restored only from the date that the OHS deems the teacher fit to resume full duties. This is also conditional on the teacher actually resuming duty on the first possible day following the OHS certification.

19.2 Any action which necessitates an adjustment to a teacher’s salary should be notified to the Department/ETB immediately.

20. Status during Leave

20.1 Absences on paid Sick Leave (full or half pay) are fully reckonable for all purposes including seniority, determination of panel rights etc. Absences on Temporary Rehabilitation Remuneration (TRR) are not reckonable for superannuation and increment purposes.

21. PRSI Arrangements

21.1 In the case of Class A PRSI contributors, the MC1 Social Welfare Certificate must be submitted by the teacher or the school to the relevant payroll section of this Department/ETB after a period of 6 consecutive days of Sick Leave for referral to the DSP. This is required for compliance with PRSI regulations. [Information Note January 2016](#).

22. Medical Fitness and role of Teaching Council

- 22.1 Medical fitness for admission to, and removal or suspension from the Register of Teachers is a matter for the [Teaching Council](#).

23. Retirement on ill health grounds

- 23.1 A teacher deemed medically unfit to continue teaching in the longer term may be entitled to certain pension benefits under the Pension Scheme for teachers.

24. Teachers on leave of absence in excess of two full school years

- 24.1 A teacher who has been on long term leave of absence of any kind in excess of two full school years will be required, prior to return, to undergo a medical assessment and be deemed medically fit by the OHS.

25. Additional Information

- 25.1 To access Statutory Instrument 124 of 2014 Regulations please click on the following link: [Statutory Instrument 124](#)

To access the Public Service Critical Illness Protocol document please click on the following link: [Public Service Critical Illness Protocol](#)

Appendix A

Scenario 1 – Ordinary Illness

Sean's Sick Leave record is as follows:

| From | To | No of days | Details |
|-------------------------|-------------------------|------------|-------------------|
| 12 th May 15 | 22 nd May 15 | 11 days | Certified Illness |
| 1 st Sep 16 | 16 th Nov 16 | 77 days | Certified Illness |
| | TOTAL | 88 days | |

Sean goes on certified Sick Leave from the 2nd October 2017 to 9th October 2017 (8 days).

- Looking back over 4 years – 183 days Sick Leave was not reached
- Looking back over 1 year – 92 days Sick Leave was not reached

Sean will be paid full pay for the 8 days. Using the dual look back, in the one year review of the Sick Leave record back to 3rd October 2016 there was only 45 days Sick Leave used. Therefore he is entitled to 8 days on full pay.

Scenario 2 – Ordinary Illness

Ann's Sick Leave record is as follows:

| From | To | No of days | Details |
|-------------------------|-------------------------|------------|-------------------|
| 12 th Jan 15 | 20 th Feb 15 | 40 days | Certified Illness |
| 1 st Dec 15 | 15 th Dec 15 | 15 days | Certified Illness |
| 1 st Mar 16 | 5 th Jul 16 | 127 days | Certified Illness |
| | TOTAL | 182 days | |

Ann goes on certified Sick Leave from the 2nd October 2017 to 31st October 2017 (30 days).

- Looking back over 4 years – 183 days Sick Leave was not reached
- Looking back over 1 year – 92 days Sick Leave was not reached

Ann will be paid full pay for 1 day. Using the dual look back, Ann has already had 182 days in the rolling 4 year period therefore she has 1 day of paid Sick Leave remaining. As she has not had any Sick Leave in the 12 months to 2nd October 2016, she has access to full pay for that day. If Ann fulfils the criteria for TRR, the remaining 29 days would be paid at that rate.

Scenario 3 – Ordinary Illness

Joe's Sick Leave is as follows:

| From | To | No of days | Details |
|-------------------------|-------------------------|------------|-------------------|
| 10 th Nov 14 | 22 nd Dec 14 | 43 days | Certified Illness |
| 1 st Dec 15 | 15 th Dec 15 | 15 days | Certified Illness |
| 1 st Mar 16 | 4 th Jul 16 | 126 days | Certified Illness |
| | TOTAL | 184 days | |

Joe goes on certified Sick Leave from the 2nd October 2017 to 31st October 2017 (30 days).

Looking back over 4 years – 183 days Sick Leave was reached

As the limit of 183 days is exceeded in the rolling 4 year period, Joe may be paid TRR if he fulfils the criteria.

Scenario 4 – Critical Illness

Marie's Sick Leave is as follows:

| From | To | No of days | Details |
|-------------------------|-------------------------|------------|-------------------|
| 12 th Nov 15 | 23 rd Nov 15 | 12 days | Certified Illness |
| 1 st Dec 15 | 15 th Dec 15 | 15 days | Certified Illness |
| | TOTAL | 27 days | |

Marie goes on certified Sick Leave from the 2nd October 2017 to 30th March 2018 (180 days).

Marie submits an application for critical illness which is approved.

- Looking back over 4 years – 365 days Sick Leave was not reached
- Looking back over 1 year – 183 days Sick Leave was not reached

Marie will be paid full pay for the 180 days as the dual look back limits in the case of critical illness are 365 days to determine whether the teacher has access to paid Sick Leave and 183 days to determine the rate of pay.

Scenario 5 – Critical Illness

John's Sick Leave is as follows:

| From | To | No of days | Details |
|-------------------------|-------------------------|------------|-------------------|
| 12 th May 15 | 23 rd Jun 15 | 43 days | Certified Illness |
| 1 st Dec 15 | 15 th Dec 15 | 15 days | Certified Illness |
| 1 st Mar 16 | 20 th Jun 16 | 112 days | Certified Illness |
| | TOTAL | 170 days | |

John goes on certified Sick Leave from the 2nd October 2017 to 30th April 2018 (211 days). John submits an application for critical illness which is approved.

- Looking back over 4 years – 365 days Sick Leave was not reached
- Looking back over 1 year – 183 days Sick Leave was not reached

John has already had 170 days prior to commencement of this leave in the rolling 4 year period but has had no Sick Leave in the rolling 1 year back to October 2015, therefore he will be paid 183 days on full pay. This brings the total Sick Leave to 353 days in 4 years. He will then have the remaining 12 days at half pay and, if eligible the final 16 days at TRR.

Appendix B

Medical certification is required where the following limits are exceeded

Primary and Education & Training Board Schools

Eligible teachers may take a maximum of 3 consecutive school days Sick Leave without providing a medical certificate.

Secondary, Community and Comprehensive Schools

Eligible teachers may take a maximum of 4 consecutive school days Sick Leave without providing a medical certificate.

Appendix C

Scenario 1- Pregnancy Related Sick Leave (PRSL) (Pre-Sept'14) Transitional Arrangement (T.A.)

Mary's Sick Leave record is as follows:

| From | To | No of days | Details |
|--------------------------|---------------------------|------------|------------------------------|
| 1 st Oct 2012 | 31 st Jan 2013 | 123 | Pregnancy Related Sick Leave |
| 8 th Dec 2013 | 15 th Dec 2013 | 8 | Certified Illness |
| 3 rd Mar 2014 | 5 th May 2014 | 64 | Certified Illness |
| | TOTAL | 195 | |

Mary goes on certified Sick Leave from 1st September 2015 to 30th September 2015 (30 days).

- Looking back over 4 years – 183 days exceeded
PRSL T.A. – *Discount all PRSL prior to the introduction of scheme*
New 4 year (Non-PRSL) Total = 72 (195 – 123)
- Looking back over 4 years – 183 days Sick Leave was not reached
- Looking back over 1 year – 92 days Sick Leave was not reached

Mary will be paid full pay for the 30 days. On 1st September 2015 Mary's Sick Leave record (minus relevant PRSL) stands at 72 days in 4 years / 0 days in 1 year. The 30 day absence in September 2015 remains below both of the appropriate dual look-back thresholds, therefore, Mary is entitled to full pay Sick Leave for the 30 day absence.

Scenario 2 – (PRSL) (Post-Sept'14) Ongoing Arrangement

Regulation 20 of the Public Service Management (Sick Leave) states that:

All certified PRSL absences under the current Sick Leave scheme will be credited back at the half rate of pay *within the normal Sick Leave limits*.

Regulation 20 is **ONLY APPROPRIATE WHERE:**

- A teacher has reached their 4 year threshold for paid Sick Leave (183 or 365 days).
- The current absence is not a certified PRSL absence.
- A teacher has a previous certified PRSL absence occurring post 1st September 2014.

Rachel's Sick Leave record is as follows:

| From | To | No of days | Details |
|---------------------------|---------------------------|------------|---------------------------------------|
| 15 th Feb 2013 | 19 th Feb 2013 | 5 | Certified Illness |
| 1 st Nov 2013 | 31 st Mar 2014 | 151 | Certified Illness |
| 20 th May 2013 | 20 th May 2013 | 1 | Self Certified Sick Leave |
| 1 st Oct 2014 | 1 st Nov 2014 | 32 | Pregnancy Related Sick Leave |
| 2 nd Nov 2014 | 1 st Dec 2014 | 30 | Pregnancy Related Sick Leave Half Pay |
| | TOTAL | 219 | |

Rachel goes on certified Sick Leave from 1st January 2016 to 29th February 2016 (60 days).

- Looking back over 4 years – 183 days exceeded
PRSL ongoing arrangement- *All PRSL credited back at half pay (within normal Sick Leave limits)*
New 4 year (Non-PRSL) Total = 157 (219 – 62)
- Looking back over 4 years – 183 days Sick Leave was not reached (balance 26 days)
- *1 year look back irrelevant as credited paid Sick Leave under this arrangement is HALF PAY only.*

Rachel will be paid half pay for 26 days taking her 'Non-PRSL' Sick Leave total to 183 days in 4 years. The balance of this absence (34 days) will be paid at (subject to the appropriate eligibility criteria) TRR.