



## Sickness Absence – Frequently Asked Questions

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## 1. What are the main provisions of the University Sick Leave Scheme?

The University sick leave scheme provides for:

### Ordinary Illness:

- 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.
- Entitlements will be calculated over a rolling four-year period from the date of the relevant absence.

### Critical Illness Provisions:

- 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.
- The award of extended sick leave for critical illness or serious physical injury is a decision for the University following receipt of medical advice from an Occupational Health Practitioner.

### Temporary Rehabilitation Remuneration (TRR):

- At the end of the period of paid sick leave, TRR may be granted subject to certain conditions.
- TRR will not exceed 18 months (548 days) in the case of ordinary illness.
- Where an employee 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, subject to regular reviews by an Occupational Health Practitioner.
- The granting of TRR will be conditional, at all times, on an Occupational Health Practitioner confirming that there is a reasonable prospect of recovery and return to work.
- Periods of absence on TRR will not reckon for superannuation purposes.

Payment while availing of sick leave is at all times dependent on the appropriate medical certification being provided, and on an employee's adherence to the sick leave policy.

### Unpaid Sick Leave:

- An employee who has exhausted the maximum period of paid sick leave, and does not qualify for TRR, may 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.

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.

## 2. Does the Sick Leave Scheme provide for uncertified sick leave?

Yes. Employees may avail of up to 2 days of continuous sickness absence in any one instance without the requirement to provide a medical certificate.

Uncertified sick leave is subject to a maximum of seven days in a rolling twenty-four-month period. All sick leave, including uncertified sick leave, must be recorded on the Core Time system. Any uncertified sick leave availed of which exceeds seven days in a rolling twenty-four-month period will be unpaid.

### 3. When is a medical certificate required?

Absence on continuous sick leave of more than 2 days requires a medical certificate to be provided. Medical certificates must:

- specify the start date of an absence;
- indicate the period for which the medical certificate is valid;
- be signed by a duly qualified medical practitioner;
- indicate fitness to work or otherwise.

### 4. When is a Social Welfare Certificate required?

Class A PRSI contributors, who are eligible to receive Illness Benefit, must complete and submit a Social Welfare Certificate for a period of sickness absence of 6 or more consecutive days of sick leave.

- Illness Benefit must be claimed for the full duration of the absence;
- Payments should be mandated to the University while an employee is in receipt of full pay and half pay;
- Employees availing of unpaid sick leave should discontinue the mandate of Illness Benefit payments to the University.

### 5. What are my sick leave entitlements if I am on probation?

An employee who is on probation is eligible to avail of paid sick leave on a pro-rated basis for the duration of their probation. For a one-year probationary period, the pro-rated limits apply for the length of probation, which is 23 days of full pay and 23 days of half pay. Sick leave entitlements for probation periods shorter than one year are also pro-rata.

### 6. What should I do if I need to avail of sick leave?

#### Single-day sickness absence:

- **Day 1** – Employee must notify their Head of Department or their nominee as soon as possible of their intention to avail of sick leave.
- **Day 2** – Employee resumes work. A medical certificate is not required however an employee may provide a medical certificate should they wish to do so.
- Absence is recorded on the Core Time System as 'Sick Leave' and notified to HR.

#### Two-day continuous sickness absence:

- **Day 1** – Employee must notify their Head of Department or their nominee as soon as possible of their intention to avail of sick leave. If possible, at this stage, the employee should notify their employer of the expected duration of their sick leave.
- **Day 2** – Employee must notify their employer of their intention to avail of sick leave, if not already done so on day 1.
- **Day 3** – Employee resumes work. A medical certificate is not required, however, an employee may provide a medical certificate should they wish to do so.
- Absence is recorded on Core Time System as 'Sick Leave' for two days of continuous absence.

#### **Continuous sickness absence in excess of 2 days:**

- **Day 1** – Employee must notify their Head of Department or their nominee as soon as possible of their intention to avail of sick leave. If possible, at this stage, the employee should notify their employer of the expected duration of their sick leave.
- **Day 2** – Employee must notify their employer of their intention to avail of sick leave, if not already done so on day 1, and, if possible, the expected duration of the absence. An absence due to sick leave should be commenced on Core Time System starting from Day 1 of the absence.
- **Day 3** – The employee must now provide a medical certificate from a medical practitioner covering the full duration of their absence, i.e. medical certificate start date is absence day 1. Medical certificates should be submitted to Head of Department or their nominee, in the first instance, and forwarded to HR for recording on the employees personnel file.
- **Day 6** – If the employee remains absent on sick leave, they must now complete and submit a Social Welfare Certificate and mandate Illness Benefit to the University.
- **Day 7+** – Medical Certificates, and Social Welfare Certificates must continue to be submitted for the duration of the sickness absence. Employees should remain in contact with their Head of Department or their nominee while availing of sickness absence.
- **Continuous absences on sick leave** are recorded on the Core Time Module and notified to HR. The recording of a continuous absence on sick leave commences on Day 1 of the absence until the employee resumes work and includes weekends.

An employee may be required to attend an Occupational Health Practitioner in relation to their sick leave, at the request of the University, for example where a recommendation is required in respect of a Critical Illness or when resuming from a long-term absence. Employees should comply with any requirement to attend an Occupational Health Practitioner.

### **7. What should I do when I am resuming work following sick leave?**

An employee must be medically fit to resume work following a period of sickness absence. Following any period of certified sick leave lasting more than four weeks, a medical certificate indicating the employee's fitness to resume work must be submitted and/or confirmation of fitness to return to duties must also be obtained by the University's Occupational Health Provider.

### **8. How is my sick leave recorded?**

It is necessary for the University to record all periods of absence due to sickness in order that employees may be afforded the appropriate supports or interventions where necessary. Sick leave records are also required to ensure that employees have access to the appropriate rate of sick pay while they are absent. The University uses the Core Time System to record all periods of leave, including sick leave.

### **9. How is my sick leave calculated for the purpose of determining my pay?**

To calculate the appropriate rate of pay an employee is eligible to receive when availing of sick leave, a dual look back system is applied. The dual look back refers to the review of an individual's sick leave record to determine:

1. if they have access to paid sick leave (4-year look back), and
2. if the answer is yes, then the rate of pay is determined (1 year look back).

#### **How the dual look back is applied:**

##### **4-Year Look Back (Access)**

- The employee's sick leave record is examined over 4 years to determine if they have had 183 days in 4 years counting back from the latest date of absence;
- If the individual has had less than 183 days, there is access to paid sick leave.

### **1-Year Look Back (Rate – Full pay, half pay)**

- The employee's sick leave record is then examined counting back 1 year from the latest date of absence.
- If 92 days or less sick leave on full pay has been availed off, then there is access to full pay until such time as the 92 day on full pay limit has been reached (provided this does not mean the 183-day limit in 4 years is exceeded). Thereafter, the amount will be calculated based on half-pay or TRR, as appropriate.

The dual look back system also applies in the case of Critical Illness subject to 365 days paid sick leave (183 days full pay, 182 days half-pay) over a 4-year period.

## **10. What happens if my sickness absence is pregnancy-related?**

If a pregnant employee is certified as medically unfit for work due to a pregnancy-related illness and has exhausted sick leave at half-pay, she will continue to receive sick leave at 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 limit for half pay due to prior sick leave.

If you are unfit for work following maternity leave, your access to sick leave at half-pay will be extended by the period of absence due to pregnancy-related illness on sick leave at half-pay, which occurred before you went on maternity leave. (This does not include any period for which you were paid extended half-pay for pregnancy-related illness).

## **11. How do sick leave provisions apply to part-time workers?**

The sick leave arrangements are applied to part-time staff on a pro-rata basis to ensure that there is parity between how their sick leave is calculated and how the sick leave of a full-time employee is calculated. In order to do this, the employee's normal working day should be converted into the equivalent of one day's sick leave for a full-time employee using a multiplier, Y.

Weekends are included in the calculation of a person's sick leave record, regardless of whether they are full time or a work-sharer. However, days where the part-time worker is not scheduled to work, are not counted for sick leave as these are addressed through the use of the formula below;

### **Example 1**

3-day week person (Monday - Wednesday) takes the week off sick i.e. is off for the 3 days they are rostered to be in work.

Sick leave is equal to their 3 days multiplied by Y, i.e.  $3 \times 1.67 = 5.01$  sick days

### **Example 2**

A 50% attendance pattern person (mornings only) takes the week off sick, i.e. they are off sick the 5 half days they are due in.

Sick leave is equal to their 5 half days ( $0.5 \text{ day} \times 5 = 2.5 \text{ days}$ ) multiplied by Y, i.e.  $2.5 \times 2 = 5$  sick days.

### **Example 3**

3-day week person (Monday to Wednesday) takes 2 weeks in a row off sick, i.e. they are off for a total of 6 days they were scheduled to work plus the intervening weekend.

Sick leave = 6 days multiplied by Y plus 2 days for Saturday and Sunday.

$(6 \times Y) + 2 = \text{sick days}$

$(6 \times 1.67) + 2 = \text{sick days}$

$(10.02) + 2 = 12.02 \text{ sick days}$

**Example 4**

50% attendance pattern person (mornings only) takes 2 weeks in a row off sick, i.e. they are off for 10 mornings they were scheduled for work plus the intervening weekend.

Sick leave = 10 half days (0.5 days) multiplied by Y plus 2 days for Saturday and Sunday.

$(5 \times Y) + 2 = \text{sick days}$

$(5 \times 2) + 2 = \text{sick days}$

$10 + 2 = 12 \text{ sick days}$

**12. Is my status affected by sick leave?**

Absences on paid sick leave, either full pay or half pay, are fully reckonable. Periods of absence on TRR, or unpaid sick leave, are not reckonable for superannuation purposes.

**13. How does my sick leave affect other leave?**

Employees may not avail of other leave at the same time they are availing of sick leave.

When an employee is availing of statutory leave, generally they have no access to sick leave. However, depending on the nature of the statutory leave it may be possible, subject to the provision of the relevant medical certification, to postpone or suspend the statutory leave (e.g. parental leave).

When an employee is availing of special leave (e.g. career break) there is no access to sick leave.

An employee is not permitted to take annual leave in place of sick leave. However, an employee who becomes ill while on annual leave will receive credit for the days they were certified as being unwell. A medical certificate is required to have these days reimbursed. An employee may not opt to be paid for this annual leave rather than have it restored. If an employee wishes to suspend a period of annual leave to take certified sick leave, they must notify their Head of Department or nominee as soon as possible.

An employee absent from work on certified sick leave will continue to accrue statutory annual leave (currently 20 days per annum, pro-rata for part-time employees and work-sharers). Statutory annual leave accrued while on certified sick leave must be taken within 15 months of resumption from sick leave. Employees are also entitled to the benefit of Public holidays that fall during a period of certified sickness absence. These days will be returned to the employee as additional leave days.

**14. What can happen if I don't adhere to the sick leave policy?**

All employees must adhere to the provisions and requirements of the sick leave policy. Failure to do so may be dealt with under disciplinary procedures and/or may lead to the cessation of pay.

The University is required to retain all supporting documentation relevant to employee sick leave for examination of compliance, and for audit purposes.

**15. How are medical/dental appointments treated?**

Where an employee attends a medical/dental appointment, and such an appointment could not have been arranged outside of the employee's assigned working hours, this time may be allocated in one of the following ways:

1. Certified Sick Leave (provided documentary evidence of the appointment is provided to the University);
2. Uncertified Sick Leave; or
3. Another form of leave to be agreed with the employee's Head of Department.