



**Maynooth University
Human Resources
Office**

Shorter Working Year Scheme

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Maynooth University Shorter Working Year Scheme

1. Introduction

The purpose of the shorter working year scheme is to permit staff of the University to balance their working arrangements with outside commitments, including the school holiday periods of their children. Under the terms of the scheme, special leave is available as a period of not less than 2 and not more than 13 consecutive weeks. The leave may be taken as one continuous period, or as a maximum of 3 separate periods each consisting of not less than 2 weeks and not exceeding 13 weeks in total. The period of leave shall be unpaid special leave.

2. Eligibility to apply

To be eligible to apply for participation in the scheme, a person must have successfully completed their probationary period.

3. Annual Leave and Public Holidays

The period of unpaid leave provided for under the Shorter Working Year Scheme is in addition to normal annual leave. Subject to the provisions of the Organisation of Working Time Act 1997 ("the Act"), the annual leave allocation of a participant may be reduced to take account of the period of special unpaid leave.

The Organisation of Working Time Act provides that an employee who works at least 1,365 hours in a leave year is entitled to an annual leave allowance of 4 working weeks (20 days). In calculating how many days' holidays an employee may be entitled to under the Act, employers should include all hours worked including overtime, time spent on maternity (including unpaid maternity and adoptive leave), adoptive or parental leave, as well as holidays and public holidays taken during the calculation period.

Annual Leave – Full-Time Staff:

Persons serving in a full time capacity who avail of special leave will, in the absence of any other additional unpaid leave, be entitled to a minimum of 20 days annual leave. Staff with an annual leave allowance in excess of 20 days will have their allowance reduced on a pro rata basis. However it must be noted that if no other unpaid time off is taken, the staff member will still receive 4 working weeks (20 days) as a statutory entitlement. (See examples in Appendix A.)

Annual Leave – Job Sharing Staff:

Job Sharers who avail of special leave will also have their annual leave entitlement calculated in accordance with the provisions of the Act as set out in the relevant job sharing circulars.

Public Holidays – Full-Time Staff:

The entitlement of participants to the benefit of any public holidays falling within the period of special leave is determined by the provisions of the Act. An employee who has not been absent for more than 13 weeks prior to the public holiday is entitled to benefit from the public holiday. The University shall determine which of the following a full-time employee is entitled to:

- a) A paid day off within a month of that day;
- b) An additional day of annual leave;
- c) An additional day's pay.

Public Holidays – Job Sharing Staff:

For job-sharing staff who avail of special leave the University shall determine in accordance with the Act, which of the following an employee is entitled to:

- a) 1/5 of their weekly total of hours off within one month;
- b) 1/5 of their weekly total of hours to be added to their annual leave;
- c) 1/5 of their weekly pay (equal to 1/10 of their fortnightly pay).

4. Restriction on taking leave

The starting date for special leave will be agreed by the employee and the Head of Department, having regard to the demands, including the need to train replacement staff if any. Subject to the discretion of the University, participants will not be granted leave (paid or unpaid) in the four weeks immediately prior to and following the period of special leave. This restriction will not apply to leave, the granting of which is governed by statute, such as maternity, adoptive, parental or carer's leave.

Staff who commence maternity or adoptive leave during special leave retain their normal statutory entitlements.

The granting of sick leave in the four weeks immediately prior to and following the period of special leave will remain subject to the terms of any sick leave scheme in operation.

5. Arrangements for the payment of salary

As stated in paragraph 1, the period of special leave is unpaid. However, those participating in the scheme may apply for special administrative arrangements for the payment of part of basic salary during the period of special leave provided that an application is made in writing (completion of the Application Form for the Shorter Working Year) to the Maynooth University Human Resources Office, not later than 30 November in the year prior to the year in which it is proposed to avail of the special leave. There may be some variations between salary payments in different periods of the year but every effort will be made to ensure equal payments of basic salary. If a person availing of these special administrative provisions in respect of pay takes other unpaid leave during the twelve month period, then the pro rata rate of salary will be adjusted accordingly.

Persons availing of the special administrative arrangements for the payment of salary may not vary their working hours during the same year. Each participant is required to give an undertaking that any overpayment that may arise from their participation in the scheme will be repaid to the University not later than the last day of the tax year, 31 December, unless otherwise agreed.

Staff should note that, under PRSI rules a person availing of special leave is not earning during the period of leave and is not therefore making PRSI contributions. Staff availing of special leave should contact the Department of Social & Family Affairs to clarify their individual position. It is the responsibility of the person availing of the scheme to make arrangements to ensure that any voluntary contributions (e.g. health insurance, savings plans, etc.) normally deducted from salary continue to be paid (if that is the wish of the employee concerned).

Social Welfare - Family Income Supplement:

Persons in receipt of Family Income Supplement who intend to avail of special leave must contact the Department of Social, & Family Affairs to clarify their entitlements.

6. Reckonable service

The period of special leave will reckon for the purposes of increments. The period of special leave will not reckon for pension purposes.

7. Sick Leave

Participants may not avail of sick leave during the period of special leave.

8. Restriction on Career Breaks

A person taking special leave who avails of administrative arrangements for the payment of salary over twelve months may not take a career break in the same year in which he or she avails of special leave.

However, in exceptional circumstances, at the discretion of the University, a career break may be granted in the same year in which a person avails of special leave. Any overpayment which may have arisen as a consequence of taking special leave would have to be repaid to the University prior to the commencement of the career break.

9. Promotion

Participants in the scheme will continue to be eligible for promotion or re-grading while on special leave, subject to their meeting the usual eligibility criteria. An offer of promotion or re-grading made to a participant during the period of special leave may, in certain circumstances, be conditional on the person resuming duty in the higher grade with immediate effect.

10. Filling of vacancies

Filling of vacancies will be at the discretion of the University in consultation with the Head of Department.

11. Applications

Persons wishing to avail of special leave must apply each year to participate in the scheme to the University. Accordingly, a person who avails of the scheme in one year will be invited to re-apply the following year if he or she wishes to avail of a further period of special leave.

The University may, at its discretion, consider applications for periods of special leave of up to eight weeks at any time, from a person who has not applied to participate in the scheme, subject to the person not availing of the special administrative arrangements in respect of pay. Any such applications should be in writing as soon as is reasonably practicable but not later than six weeks prior to the proposed commencement date of the period of special leave.

The operation of the scheme is subject to the needs and requirements of the University not being adversely affected. Therefore some applications may not be granted and priority may be given to staff who have not previously availed of special leave under the terms of this scheme. The University has discretion to refuse some or all of the applications made.

In particular, the University may refuse an application for special leave under this scheme in the following circumstances:

- The person has specialist or hard-to-replace skills;
- The person works in a location or area where an absence would be difficult to accommodate for the proposed period of special leave;
- Where there are a number of applications from a particular location or work area for special leave under this scheme;
- Where there are or will be a number of persons on reduced work hours or other types of leave, including statutory leave, in that location or area under other schemes; or
- Any other stated reason.

The University will consider, in advance of refusing any application, whether an application for a different period of special leave or a different time of the year would be acceptable and, if so, discuss changing or deferring the period of special leave with the applicant. Where applicable, Heads of Department may, in consultation with relevant staff, wish to arrange for staggered periods of special leave (e.g. over the summer months).

Applications should be made by completing the Application Form for the Shorter Working Year and the completed form should be forwarded to the Maynooth University Human Resources Office no later than **30th November**.

It will not be possible for a participant to withdraw or to alter an application for the scheme once the application has been approved.

12. Review

This scheme will operate for a period of 3 years. At the expiry of that period the operation of the scheme will be reviewed by the University and staff representatives.

Appendix A

Annual Leave Calculations for Staff availing of the Shorter Working Year Scheme

Annual Leave – Full-Time Staff:

- a) A person who has 22 days annual leave and avails of thirteen weeks unpaid special leave, would have their annual leave entitlement reduced by 25% or 5.5 days to reflect the period of unpaid special leave. As the pro rata reduction would leave the person with less than their statutory minimum they will still receive 20 days.

The officer will still have worked for more than 1365 hours and therefore entitled to 4 working weeks (20 days), (6.95 hours per day * 5 days * 39.18 weeks = 1361.505 hours in the year. Plus payment for the August Bank holiday = total of 1368.455 hours.)

- b) A person who has 29 days annual leave and avails of thirteen weeks unpaid special leave, would have their annual leave entitlement reduced by 25% or 7.25 days to reflect the period of Term Time leave. Their annual leave entitlement would be 22 days.

Annual Leave – Job Sharers:

The Organisation of Working Time Act provides that from 1 April 1999, depending on time worked, the holiday entitlement of an employee should be calculated by one of the following methods, whichever is the more favourable:

- a) 4 working weeks in a leave year in which the employee works at least 1,365 hours (unless it is a leave year in which he or she changes employment)
- b) One third of a working week per calendar month that the employee works at least 117 hours;
- c) 8% of the hours an employee works in a leave year (but subject to a maximum of 4 working weeks);
- d) Pro-rata the holiday entitlement of an equivalent full-time employee in that grade (Option (d) is not part of the Organisation of Working Time Act 1997).

In calculating the number of days' holidays to which an employee is entitled for the purposes of (a) (b) and (c) above, employers should include all hours worked including extra attendance, rostered time spent on any form of paid leave (such as maternity leave, adoptive leave, paternity leave, force majeure parental leave, marriage leave, paid study leave and paid examination leave), as well as holidays and public holidays taken during the calculation period. Certain unpaid leave is also counted (such as maternity leave and adoptive leave).

Job Sharing staff availing of the Shorter Working Year scheme:

Example 1:

Clerical Officer – Job Sharer - 4 day week pattern - avails of 10 weeks unpaid special leave (on 20 days leave if full time)

1 day = 6.95 hours, 1 week = 27.8 hours (6.95 x 4)

Annual hours = 1172.6 hours (27.8 hours x 42.18 weeks)

1172.6 hours is 64.68% of the annual hours of a full-time person (1813.255 hours) for D.

The officer was paid for the August bank holiday (only one in this example).

1172.6 + 6.95 = 1179.554 hours worked for A - C.

Option A - does not apply in this case because the person works less than 1,365 hours per year.

Option B - for the purposes of this example there are eight months in which a 4 day week person availing of the Shorter Working Year scheme may work more than 117 hours in the month. 1/3 of a week = 9.27 hours x 8 = 74.16 hours per year. $74.16 \div 6.95 = 10.67$ days leave

Option C - 8% of 1172.6 hours (total annual hours) = 94.36 hours $\div 6.95 = 13.58$ days (rounded up to 14 days).

Option D - pro rata a full-time person. 20 days x 64.68% = 12.93 days.

Option C gives the most favourable outcome - person entitled to 14 days annual leave.

Example 2:

Clerical Officer - Job Sharer - 4 day week pattern - avails of 13 weeks unpaid special leave (on 20 days leave if full time)

1 day = 6.95 hours, 1 week = 27.8 hours (6.95 x 4)

Annual hours = 1089.2 hours (27.8 hours x 39.18 weeks)

1089.2 hours is 60.07% of the annual hours of a full-time person

Option A - does not apply in this case because the person works less than 1,365 hours per year.

Option B - for the purposes of this example there are eight months in which a 4 day week person availing of the Shorter Working Year scheme may work more than 117 hours in the month. 1/3 of a week = 9.27 hours x 8 months = 74.16 hours per year. $74.16 \div 6.95 = 10.67$ days leave.

Option C - 8% of 1089.2 hours (total annual hours) = 87.14 hours $\div 6.95 = 12.54$ days leave (rounded up to 13 days).

Option D - pro rata a full-time person. 20 days x 60.07% = 12.01 days

Option C gives the most favourable outcome - person entitled to 13 days annual leave.

Example 3:

Assistant Principal – Job Sharer - 4 day week pattern - avails of 10 weeks unpaid special leave

1 day = 6.95 hours, 1 week = 27.8 hours (6.95 x 4)

Annual hours = 1172.6 hours (27.8 hours x 42.18 weeks)

1172.6 hours is 64.68% of the annual hours of a full-time person 1 day = 6.95 hours

Option A - does not apply in this case because the person works less than 1,365 hours per year.

Option B - for the purposes of this example there are eight months in which a 4 day week person availing of the Shorter Working Year scheme may work more than 117 hours in the month. 1/3 of a week = 9.27 hours x 8 = 74.16 hours per year. $74.16 \div 6.95 = 10.67$ days leave.

Option C - 8% of 1172.6 hours (total annual hours) = 93.8 hours $\div 6.95 = 13.49$ days.

Option D - pro rata a full-time person. 31 days x 64.68% = 20.04 days (rounded up to 20.5 days).

Option D gives the most favourable outcome - person entitled to 20.5 days annual leave.

Example 4:

Assistant Principal – Job Sharer - 3 day week pattern - avails of 13 weeks unpaid special leave

1 day = 6.95 hours, 1 week = 20.85 hours (6.95 x 3)

Annual hours = 816.9 hours (20.85 hours x 39.18 weeks)

816.9 hours is 45.06% of the annual hours of a full-time person

Option A - does not apply in this case because the person works less than 1,365 hours per year.

Option B - does not apply in this case because a person working a 3 day week pattern works less than 117 hours per month.

Option C - 8% of 816.9 hours (total annual hours) = 65.35 hours $\div 6.95 = 9.4$ days.

Option D - pro rata a full-time person. 31 days x 45.06% = 13.97 days (rounded up to 14 days).

Option D gives the most favourable outcome - person entitled to 14 days annual leave.