



## DCU Sick Leave Policy

This policy has been revised in line with the Public Services Management (Sick Leave) Regulations 2014. It applies to all eligible staff employed by the University. Where appropriate, entitlements will be calculated based on the duration of the employment contract on a pro-rata basis.

### 1. General

Sick leave, with or without pay is granted, at the discretion of the University, to assist staff in a period of illness, injury or when absent for obtaining health-related services provided such appointments could not have been arranged outside normal working hours. The decision whether sick leave is to be granted, is a matter for the Head of School/Unit who may consult with the Director of Human Resources (HR). The provision of a medical certificate does not in itself entitle the staff member to sick leave.

### 2. Notification of Sick Leave

Notification of absence due to illness should be made to the Head of School/Unit or his/her nominee as soon as possible on the first day of illness. A medical certificate should be forwarded to the Head of School/Unit no later than the third day of illness. The Head of School should forward the medical certificate as soon as possible to the HR department in addition to sending through the School's/Unit's weekly attendance report.

If a sick absence extends from Friday to Monday inclusive, then a medical certificate must be provided.

### 3. Medical Certificates

For a medical certificate to be accepted the following conditions must be met:

- (1) The doctor's name and address must be clearly legible on the certificate
- (2) The certificate must be signed and dated by a qualified medical practitioner registered with the Irish/UK Medical Council/Dental Council of Ireland.
- (3) The nature of the illness should be stated clearly
- (4) The likely duration of the illness must be stated
- (5) The certificate must normally be for a week's duration or less. In the case of longer term illness, certificates may be submitted monthly.

Before returning to work following a period of absence due to certified sick leave, a medical certificate confirming fitness to resume duties must be provided. Should a staff member return to work prior to the date specified on the most recent medical certificate, s/he must provide a further medical certificate confirming fitness to return to work. In the absence of such a certificate the full period as recorded on the medical certificate(s) will be counted as sick leave.

The University reserves the right to request examination of a staff member on sick leave by one or more medical practitioners appointed by the University.



## **4. Certified Sick Leave**

### **4.1 Full-time Staff**

For eligible staff, absences of three or more consecutive days must be certified by a medical practitioner. Provided there is no evidence of permanent disability for service, eligible staff may, at the discretion of and subject to University approval:

a) receive full pay less Social Welfare Illness Benefit for certified sick leave up to a maximum of three months (92 days) and

b) half pay thereafter for a further three months (91 days), subject to a maximum of six months (183 days) paid sick leave in a rolling four-year period.

The first twelve-month period commences on the first day of certified or uncertified absence. Subsequent twelve month periods are consecutive until the end of 4 years. Sick leave periods are calculated retrospectively and include weekends, closures and days the staff member is not scheduled to work that occur within the period of absence. Where sick leave is not continuous, six months is calculated as 183 days which will include Saturdays, Sundays, public holidays and privilege days that fall within each period of sick leave. Days of uncertified sick leave are also counted in arriving at an aggregate of sick leave taken.

Eligible staff on fixed-term contracts may be entitled to sick pay benefits calculated on a pro-rata basis over a rolling four-year period.

### **4.2 Critical Illness Leave**

A staff member 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 six months (183 days) on full pay in a year.
- Followed by a maximum of six months (182 days) on half pay. Subject to a maximum of twelve months (365 days) paid sick leave in a four year rolling period.

The decision to grant critical illness paid sick leave to a staff member will be made following consultation with the medical practitioners appointed by the University.

In determining whether critical illness sick pay is to be granted the medical condition will have at least one of the following characteristics:

- a) Acute life threatening physical illness
- b) Chronic progressive illness, with well-established potential to reduce life expectancy
- c) Major physical trauma ordinarily requiring corrective acute operative surgical treatment
- d) In-patient hospital care of two consecutive weeks or greater

Critical illness paid sick leave is not granted for cases relating to occupational injury/illness.



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

Where the relevant period of paid sick leave has been exhausted, an employee with a minimum of 5 years' service (in a pensionable position) may be granted TRR at the end of the paid sick leave period. TRR is calculated on

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

Pensionable service is not accrued during the period TRR is paid. TRR is only paid when there is a reasonable prospect of recovery and return to work. It will not exceed 18 months (548 days) in the case of ordinary illness. In the case of a staff member who has been granted critical illness sick pay, s/he may have access to 12 months (365 days) TRR followed by a further period of TRR not exceeding 24 months (730 days). The decision to grant TRR to a staff member will be made following consultation with the medical practitioners appointed by the University.

### **4.4 Entitlement to Unpaid Sick Leave**

Absence in excess of twelve months in a four-year period will be unpaid unless a staff member qualifies for payment of TRR.

A staff member who, having exhausted the maximum period of paid sick leave and does not qualify for TRR, is still medically unfit for work must notify the University (through his/her line Manager or HR) of his/her intention to avail of a period of unpaid sick leave. This period of sick leave shall not normally exceed the TRR limits outlined in section 4.3 above.

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.

## **5. Calculation of Sick Pay**

### **5.1 Full-time staff**

To calculate the appropriate rate of sick pay there will be a dual look back system as follows:

#### **Ordinary Illness:**

**Step 1:** The staff member's sick leave is reviewed over the four-year period from the current date of absence. If six months (183 days) paid sick leave has not been exhausted paid sick leave may be granted.

**Step 2:** The staff member's sick leave is reviewed over the 12-month period from the current date of absence to determine the rate at which sick leave may be paid. If the initial three months (92 days) limit at full pay has not been exhausted, full pay may be awarded until the limit of three months (92 days). Thereafter, the amount paid will be calculated based on half pay or TRR as appropriate.

#### **Critical Illness:**



**Step 1:** The staff member's sick leave is reviewed over the four-year period from the current date of absence. If twelve months (365 days) paid sick leave has not been exhausted paid sick leave may be granted.

**Step 2:** The staff member's sick leave is reviewed over the 12-month period from the current date of absence to determine the rate at which sick leave may be paid. If the initial six months (183 days) limit at full pay has not been exhausted, full pay may be awarded until the limit of six months (183 days). Thereafter, the amount paid will be calculated based on half pay or TRR as appropriate.

## **5.2 Part-time staff (including jobshare)**

The sick pay entitlement for eligible part-time staff will be the same as that for staff employed on a full time basis but calculated on a pro rata basis.

For staff working irregular hours, the gross weekly sick pay will be determined by the hours worked during the 4 months directly preceding the absence. Please refer to Appendix B for an example of how sick pay is calculated.

## **6. Uncertified/Self-Certified Sick Leave**

### **6.1 Full-time Staff**

Subject to approval of the Head of School/Unit a full-time staff member may not exceed seven days uncertified sick leave in any twenty-four month rolling period. The count back is calculated from the latest absence working backwards over the twenty-four-month period.

Any further sick leave must be certified or be deducted from the staff member's annual leave entitlement, for the current or succeeding year, or salary may be deducted. Payment will only take place where there is no evidence of abuse of the regulations including frequent uncertified sick leave and/or where the maximum of seven days allowable is regularly approached and is used as a means for supplementary annual leave. Where sick leave extends from Friday to Monday inclusive, a medical certificate must be furnished.

### **6.2 Part-time staff (including jobshare)**

The sick pay entitlement for eligible part time staff will be the same as that for staff employed on a full time basis but calculated on a pro rata basis.

## **7. Social Welfare Illness Benefit**

Staff who pay Class A rate of PRSI may be entitled to Social Welfare Benefit for absence due to illness in excess of six days. The University will automatically deduct Social Welfare Illness/Injury Benefit from the Staff member's salary. It is, therefore, important that a Social Welfare Illness claim is made directly to the Department of Social and Family Affairs as soon as possible. The relevant Social Welfare Form is available from the staff member's GP service. Please see attached Appendix A for further information

## **8. 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 staff member's future salary payment.



## **9. Sick Leave Without Pay**

Staff members' who have exhausted the allowance of sick leave with pay, or who are not eligible, may be allowed sick leave without pay.

## **10. Annual Leave & Sick Leave**

Certified sick leave occurring during a period of annual leave, if notified immediately, will have the effect of cancelling authorised annual leave. Annual leave will not then be resumed until the staff member returns to work or provides evidence of fitness to return to work. A medical certificate is required where an employee wishes to commence annual leave immediately following an absence, or for any absences immediately following annual leave. Uncertified sickness occurring during annual leave does not cancel authorised annual leave.

In line with the Working Time Act 1997, an employee's entitlement to a full year's annual leave will be dependent upon them being in attendance at work for more than the statutory 1365 hours in a year.

## **11. Taxation of Illness Benefit**

Full details on how taxation is applied is available from the Finance Office or the Human Resources Department.

## **12. Travelling Abroad while on Sick Leave**

The approval of the HR Department must be sought prior to an employee travelling abroad while on sick leave. The HR Department will seek advice from the University's Occupational Health Provider before deciding on the matter.

## **13. Status during Leave**

Absences on paid sick leave (full or half pay) are fully reckonable for superannuation and increment purposes. Absences on temporary rehabilitation remuneration (TRR) are not reckonable for superannuation and increment purposes.

## **14. Maternity Related Illness Provisions**

If a staff member is 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 the pregnancy related illness, prior to going on maternity leave.

If a staff member 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 on half pay due to pregnancy related illness which occurred before she went on maternity leave.



## Appendix A

Staff who pay Class A rate of PRSI may be entitled to Social Welfare Benefit for absence due to illness in excess of six days.

How to Claim Social Welfare Illness/Injury Benefit

(1) Ask your doctor for a MC1 form

(2) Once completed, your form can be returned by hand to your local Social Welfare Office or by post to Social Welfare Services, PO Box 1650, Dublin 1.

(3) For lengthy sick leave absences, an MC2 form should be completed and submitted to Social Welfare as above.

(4) Illness Benefit is paid directly to the employee by Social Welfare. Therefore, deductions will automatically be made from your salary by the payroll office. Please note that the option for illness payment paid to the employer should NOT be selected on your form. In all circumstances staff should select for payment to be made directly to themselves.

## Appendix B

The sick pay entitlement for eligible part time staff will be the same as that for staff employed on a full time basis but calculated on a pro rata basis.

For staff working irregular hours, the gross weekly sick pay will be determined by the hours worked during the 4 months directly preceding the absence.

**Example:** If you work a total of 100 hours from March to June, your average weekly hours will be calculated as follows:

- 100 hours divided by 4 months = 25 hours for one month
- 25 hours x 12 months divided by 52.2 to get your weekly amount of 5.75 hours
- 5.75 hours x €8.65 (example of rate of pay) = €49.65
- €49.65 & 8% holiday pay of €3.97 per week = €53.62

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