



Circular 0043/2012

To: The Managerial Authorities of Recognised Community and Comprehensive Schools

**SELF CERTIFIED PAID SICK LEAVE ARRANGEMENTS
FOR ALL STAFF (OTHER THAN TEACHERS AND SNAS)
IN RECOGNISED PRIMARY AND POST PRIMARY SCHOOLS**

Introduction

1. The Labour Court has made recommendations in relation to sick pay arrangements in the public service. In relation to self-certified (or uncertified) sick leave, the Labour Court recommended that “seven days self-certified paid sick leave be granted over a rolling two year period”. The purpose of this Circular is to implement that recommendation.
2. The Labour Court has recommended a phased move to the new arrangements. There will be an initial maximum of 7 days self-certified paid sick leave permitted in the period from 1 January 2012 until 31 December 2013.
3. After that time each employee will have a personal rolling 2 year period counting backwards from the date of their latest self-certified sick leave. The maximum number of self-certified paid sick leave days allowable in that 2 year period will be 7.
4. These arrangements apply to all staff, employed in post primary Community and Comprehensive schools who have an existing entitlement to paid sick leave and who take self certified (uncertified) sick leave from and including the commencement date of 1 November 2012.

Amendment of Existing Circulars

5. All previous circulars, setting out the terms of self-certified (uncertified) sick-leave, for staff, are superseded by these new arrangements.

Examples of the implementation of the new arrangements are set out in the attached appendix.

Arrangements for Certified Sick-leave

6. In respect of the arrangements for certified sick-leave outlined in LCR 20335 and due to commence with effect from 1st January 2014, the Department of Education and Skills will be in contact with the relevant managerial authorities and staff unions concerned in due course.

Notification

7. Please ensure that copies of this circular are provided to all members of the Board of Management and its contents are brought to the attention of all Staff in your employment including those on leave of absence.
8. This circular can be accessed on the Department's website under www.education.ie Home – Education Staff – Breaks/Leave – Sick Leave and all enquiries regarding the implementation of this Circular Letter should be addressed to School Division – Financial Section in Athlone (Tel: 090-6483954).

Mathew Ryan
Principal Officer
21 November 2012

Appendix – Implementation of New Arrangements

Example 1

On 1st November 2012 an employee applies for a day's self-certified sick leave. The employer examines the sick leave record counting back to 1st January 2012. The employee has had 4 days' self-certified sick leave in the period 1st January to 1st November 2012. Therefore, the employee may be given access to a day's self-certified sick leave on 1st November and consequently a total of 5 days' self-certified sick leave will have been taken.

Example 2

On 3rd December 2012 an employee applies for 2 days' self-certified sick leave. The employer examines the sick leave record counting back to 1st January 2012. The employee has had 6 days' self-certified sick leave in the period 1st January 2012 to 3rd December 2012. Therefore, the employee may only be permitted access to one day's self-certified sick leave. The other day is an unpaid absence.

Example 3

On 3rd January 2013 an employee applies for a day's self-certified sick leave. The employer examines the sick leave record counting back to 1st January 2012. The employee has had 2 days' self-certified sick leave in the period 1st January 2012 to 3rd January 2013 and, therefore, may be given access to paid self-certified sick leave.

Example 4

On 24th April 2013 an employee applies for 2 days' self-certified sick leave. The employer examines the sick leave record counting back to 1st January 2012. In that period of 16 months the employee has had 8 days' self-certified sick leave, 7 paid and 1 unpaid absence. There can be no further access to paid self-certified sick leave as the maximum of 7 days permitted has already been taken.

Example 5

On 30th June 2013 an employee applies for a day's self-certified sick leave. The employer examines the sick leave record counting back to 1st January 2012. In that period the employee has had 6 days' self-certified sick leave. Access may be granted to one day's self-certified sick leave.

Example 6

On 4th January 2014, i.e. when a full 24 month period has passed since 1st January 2012, an employee applies for 2 days' self-certified sick leave. The employer examines the sick leave record counting back for a 24 month period from the latest date of absence, in this case 4th January 2014. The count back will be to 5th January 2012.