



MANAGING ATTENDANCE & SICK LEAVE POLICY

Scope

This policy applies to all employees of Cork ETB and refers to the agreed guidelines under the terms of the relevant circular letters for Certified and Self Certified Sick Leave, CL 60/2014, CL 59/2014, CL 36/2012 and CL 37/2012 for Teachers and Special Needs Assistants (SNAs) and CLs 63/2014 and 41/2012 for all staff other than Teachers and SNAs. It also encompasses the guidelines under the Department of Education and Skills' Occupational Health Strategy.

Purpose

This policy has been developed to provide a framework within which the provisions of the relevant Circular Letters can be applied. The contribution, capability and commitment of Cork ETB employees are vital to the delivery of a quality service. The aim of this policy is to provide a consistent approach to managing sick leave while at the same time taking individual circumstances into account in order to act reasonably. All matters in relation to attendance management will be handled in a consistent, confidential and sensitive manner by managers. Cork ETB is committed to supporting staff wellbeing and welfare during periods of illness, while minimising the impact of absence on fellow work colleagues and customers.

It is not Cork ETB's intention that employees who are ill should be at work. Whilst all employees have a responsibility to the service of which they are part, to colleagues and to themselves to attend work and fulfil their contract of employment, it is recognised that from time to time employees will suffer ill-health.

It is acknowledged that the vast majority of staff have a good record of attendance. However, it is also recognised that there is a minority of instances where this is not the case and where an employee's attendance falls below a level that is acceptable. Cork ETB is committed to the principle of early intervention in the management of sick leave; early and successful addressing of issues with employees will reduce the possibility of employees having problems with their attendance.

This policy should be read in conjunction with the relevant circular letters and all employees should familiarise themselves with the more detailed terms and conditions of the Certified and Self –Certified Sick Pay Scheme for each category of employee which are set out in Circular Letters 0059/2014, 0060/2014, 0063/2014 and 0036/12, 0037/2012 and 0041/2012.

Policy Objectives

- To set out Cork ETB's Sick Leave Arrangements in line with the relevant circulars
- To do all that is reasonably practicable to assist employees who are absent from work due to injury or ill-health to return to work as soon as possible.
- To ensure a fair and consistent approach in the effective management of absence.
- To clarify the roles and responsibilities of Staff, Management, Occupational Health Service (OHS) and Human Resources in relation to sickness absence
- To highlight that Cork ETB expects and encourages a high rate of attendance from its employees
- To provide information on how sickness absence will be proactively managed in order to achieve Cork ETB's target for absenteeism of 3%.

Roles and Responsibilities

Role of the Staff Member

All staff members have a responsibility to:-

- Provide regular and efficient service
- Take responsibility for their own health
- Advise the line manager of any relevant matter that may affect their attendance and avail of appropriate services
- Minimise absences from work and minimise accidents and/or ill-health at work by complying with the Health & Safety requirements and taking reasonable care of their own safety and that of others
- Comply with all provisions of the Managing Attendance and Sick Leave Policy including the claiming of the Illness Benefit where applicable.
- Co-operate fully with appropriate rehabilitative measures to facilitate a return to work as quickly as possible
- Monitor their own attendance on the Core system where available (this function will be rolled out to all employees on a phased basis)

Role of the Manager

Line Managers (Principal/Coordinator/Manager, or another member of management in a school/college/centre/department duly nominated by the Principal/Coordinator/Manager) have a responsible role in managing attendance in accordance with the provisions of this policy by:-

- Ensuring that all staff are aware, fully understand and comply with the managing attendance and sick leave policy and relevant sick leave arrangements
- Monitoring and recording attendance
- Managing absence in a consistent and fair manner in line with relevant procedures
- Conducting absence review meetings
- Referring staff members, through HR, to the Occupational Health Physician as necessary
- Assisting Staff members to re-integrate after a prolonged period of absence as required.

- Ensure that staff are aware of any staff welfare initiatives including Employee Assistance Programme (where applicable)
- Liaising with HR as required in relation to absence management issues.

Role of Human Resources

The HR unit has a responsibility to:-

- Advise and support Line Managers in the monitoring and management of sickness absence.
- Monitor the Managing Attendance and Sick Leave Policy and ensure it is being applied fairly and consistently throughout the organisation
- Provide access to regular reports on the level of attendance and absenteeism throughout the organisation
- Ensure that the Sickness Absence policy is being applied consistently throughout the organisation.
- Liaise with the OHP and management in the case of referrals and where required advise on recommendations from health assessments of fitness to work.
- Ensure that staff are aware of any staff welfare initiatives including Employee Assistance Programme (where applicable)

Role of the Occupational Health Service (OHS)

The OHS provides a confidential independent advisory service to Cork ETB and its employees on all matters relating to their health and how it may affect their ability to cope with their work. The service aims to benefit both employees and the employer.

The functions of the OHS are:-

- To provide an independent advisory service on any health-related matter which is affecting the employee's ability to undertake work or the impact of their work on their health, taking into account the illness prompting the referral and medical opinion where available.
- To provide impartial advice to Cork ETB regarding an employee's fitness to undertake his/her full range of contracted duties and to make recommendations aimed at assisting employees to regain their good health and return to a suitable job as quickly and as safely as possible.
- To advise on the employee's fitness to undertake modified or alternative duties.
- To liaise, subject to appropriate consent, with the employee's medical advisor
- To advise managers and individuals on any areas of support for health-related problems that may be affecting employment.

Sick Pay Scheme

The certified sick leave scheme is outlined in **CL 0063/2014** for all staff in Education and Training Boards other than Teachers and SNAs, in **CL 0060/2014** for all Special Needs Assistants and in **CL 0059/2014** for all Teachers and each scheme is effective from 1st September 2014.

The sick leave provisions for an employee participating in the work-sharing scheme, or working on a part-time basis will be adjusted pro-rata to his/ her agreed attendance pattern and are subject to the normal provisions governing the granting of sick leave.

The granting of sick leave to an employee who is ill is intended to provide an adequate opportunity for that employee to recover from the illness and its effects so that s/he 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 an Occupational Health Practitioner (OHP) could be regarded as impeding that employee's progress to recovery. The approval of Cork ETB must be sought prior to an employee travelling abroad while on sick leave. Cork ETB must seek the advice of an OHP before deciding on the matter.

An employee's entitlement to sick leave shall cease on the expiry of the contract and that contract not having been renewed.

An employee who is absent from work 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.

Critical Illness

An employee who becomes incapacitated as a result of a critical illness or serious physical injury may be granted 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.

Further details on the Critical Illness protocols are available in the Circular Letters as set out above.

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 period of paid sick leave subject to certain conditions.

TRR is calculated on pensionable pay and paid pensionable service accrued in the employment at the time paid sick leave is exhausted together with the added years of service which would be awarded if ill health retirement was granted.

TRR is not a period of pensionable service.

The granting of TRR is subject to confirmation from OHS that there is a reasonable prospect of a return to work

TRR will not exceed 548 days (18 months) in the case of ordinary illness. In the case of critical illness 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 further period of TRR is subject to regular reviews by an OHS.

Dual Look Back

In the case of both ordinary and critical illness/ injury, sick leave over the last 4 years will be reviewed from the current date of absence to assess if the relevant paid sick leave entitlements, as outlined above, have been exhausted. If the maximum has not been exceeded, the 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 and/or TRR will be paid.

Entitlement to Unpaid Sick Leave

An employee who has exhausted the maximum period of paid sick leave and does not qualify for TRR but is still medically unfit to resume duty and wishes to retain his/her position must notify the employer of his/her intention to avail of a period of unpaid sick leave that shall not normally exceed the TRR limits as set out 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 employer. Prior to the expiration of the unpaid sick leave, the employer must seek the advice of an OHS on the employee's prospect of recovery and return to work. Where a return to duty is not deemed viable, the employer can take appropriate action including but not limited to, termination of the contract of employment.

Notification of Absence

An employee who is absent due to illness must notify, or make suitable arrangements to notify their line manager or, in his/her absence, the next senior grade in the College/Department/Centre in which they are based as early as possible on the first day of the absence and at latest, before the normal start time. The employee should, where possible, indicate the likely duration of the absence and any urgent work which has to be dealt with in his/her absence to ensure that nothing essential is missed.

Text Messages, leaving voicemails outside of office hours, and email are not acceptable methods of notification except in exceptional circumstances and should be followed up by the normal protocol at the earliest possible opportunity. The same procedure applies whereby, due to serious incapacity, a staff member is not able to make direct contact, they must ensure that their Line Manager is made aware of the absence by someone acting on their behalf. This should again be followed up by a telephone call from the employee at the earliest opportunity circumstances permitting.

Where an employee is absent on continuous sick leave of more than 2 consecutive days (3 days for teachers) or on the work day before and after a weekend or a public holiday a medical certificate must be provided to the employer. Medical Certificates must be provided within the first week of absence and either monthly/weekly thereafter.

Medical Certificates

The full guidelines surrounding an acceptable medical certificate are outlined in the relevant circulars. Medical certificates must be signed and stamped/be on headed paper by a duly qualified medical practitioner registered with the Irish/UK Medical Council/Dental Council of Ireland and must cover a period of up to but no more than one week. However, certification for periods of one month may be permitted at the discretion of the HR manager for employees absent on long term, critical illness.

Medical Certificates which are undated, backdated, illegible or outside the acceptable guidelines will not be accepted and the employee will be requested to re-submit a correctly completed one. Failure to provide a medical certificate will result in leave being recorded as unapproved sick leave and payment will be withdrawn pending a return to duty or compliance with the scheme, and may also be dealt with under the agreed disciplinary procedures.

Social Welfare Benefits

Any staff member who is eligible for Illness Benefit (paying Class A category PRSI) should make the necessary claim to the Department of Social Protection within the first week of illness (on the form which is available from his/her GP.) Cork ETB Payroll Department will deduct, a month in arrears, an amount of equivalent value to that of the single person's daily Illness Benefit for the number of days the staff member was absent, excluding waiting days. If an employee is not eligible to receive Illness Benefit, or is in receipt of a different amount, it is his/her responsibility to advise the Payroll Department of same. (A letter from the Department of Social Protection will be required in order to vary the standard deduction.) Up to date details regarding eligibility, waiting days, rates of pay, application process etc are available on the Department of Social Protection website www.welfare.ie

Self-Certified Sick Leave

The maximum number of self-certified sick leave days allowable in any period of 2 consecutive years of service is 7 (counting backwards from the latest self-certified sick leave absence) for all categories of employees and this is outlined in the relevant CLs 0036/2012, 0037/2012 and 0041/2012. Any sick leave in excess of the 7 day limit for which a medical certificate is not provided will be treated as an unpaid absence, and a payroll deduction will be made accordingly. Any such deductions are normally made a month in arrears.

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.

If an employee has exhausted the maximum of self-certified sick leave or is not entitled to self-certified sick leave, a medical certificate must be provided dated from the first date of absence in order for payment to be made.

Sick Leave after reporting for Work

Instruction/Academic Staff:

Where an employee reports for work, and subsequently has to go home sick, in general that day will be counted as a full or half day's sick leave (depending on whether the person goes home before or after lunch. Such sick leave may be counted as either self-certified or certified depending on whether or not the employee subsequently visits a doctor and provides a medical certificate.

Non Academic Staff:

Where an employee reports for work, and subsequently has to go home sick, in general that day will be counted as a full or half day's sick leave (depending on whether the person goes home before or after lunch. Such sick leave may be counted as either self-certified or certified depending on whether or not the employee subsequently visits a doctor and provides a medical certificate.

For employees on the flexitime system, they may choose to have the day (or part thereof) recorded as flexi leave. Employees must speak to their manager prior to leaving the workplace due to sickness/injury.

The recording of such leave will be subject to review and change should issues arise relating to it.

Doctor/Dentist/Optician/Hospital and other Health Appointments

In general, all medical/dental/hospital appointments etc should be arranged outside of regular working hours. Sick leave may be provided where an employee is 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. Any sick leave allowed for such appointments will be counted as a half day or full day; it is not possible to break such leave down further than that e.g. into hours. A medical certificate must be provided for such appointments in order to be counted as sick leave.

Eligible staff members may wish to avail of annual or Flexi leave for such appointments if they do not wish the time to be counted as sick leave, and in particular where it is not necessary to take a full day or half day for such appointments.

Absence Review Meeting

The Line Manager will invite a staff member to attend an absence review meeting should their frequency or pattern of absence become a cause for concern. The staff member may be accompanied to the meeting by a work colleague or representative if they so wish.

The purpose of the meeting is to:-

- Review the employee's absences during the relevant period and ensure records are accurate
- Listen to any explanations offered by the employee
- Discuss any issues or concerns that the employee may raise in relation to his/her absence

- Review any support that may be provided to the employee to assist him/her in managing his/her absence, including the opportunity to avail of Occupational Health Advice and/or Employee Assistance Programme.
- Consider any advice received from the OHP regarding the employee's fitness to work.
- Consider whether or not there is continued cause for concern and possible further action. If there is no continued cause for concern and action, the meeting is closed and the manager will write to the employee within 5 days confirming the discussion
- If there is continued cause for concern and action this will need to be identified along with advising the employee of the improvement to be achieved (set targets where appropriate) as well as any additional appropriate supports if relevant
- Arrange for a follow up meeting to review progress in relation to any improvement targets set.

After the meeting the Manager will write to the employee within five working days confirming the outcome of the meeting, monitoring period and potential consequences of a lack of a sufficient improvement in attendance.

If no improvement in attendance occurs after following the above procedure and where the OHP has indicated that there is no underlying cause for continued absence, management will consider the appropriate course of action, and may, where necessary, invoke disciplinary procedures.

Referral of an employee to an Occupational Health Physician (OHP)

The employer must refer an employee to an OHP, for the purpose of an independent assessment, where:

- reasonable concerns exist as to the capacity of the employee to undertake his/her duties in a manner that is safe for both the employee and the employer.
- A medical certificate for work-related stress has been received.
- Certified absence is long-term
- There are frequent periods of short-term absence or the pattern of absence is of concern
- An employee has had 4 weeks (28 days) continuous or cumulative sick leave absence in a 12 month rolling period
- An application for early retirement on the grounds of ill-health has been received.

It is a condition of the Sick Pay scheme that all employees must abide by the medical assessment of an OHP.

Managing Long-Term Absence

Long term absence is defined as any period of absence in excess of four weeks. Line Management will maintain contact, as appropriate, with the employee on long-term absence and may, in consultation with HR refer the employee to the OHP to assess the long-term prognosis of their illness/disability. The main aim is to ensure that the employee is afforded every opportunity to return to work as quickly as possible after they have been certified to do so.

An employee on long term sick leave is expected to maintain regular contact with his/her manager in order to keep the manager advised of his/her progress and expected date of return, and so that the manager can keep the employee informed of any important developments. This is necessary so that managers can plan and manage their team/department and workload during the employee's absence, and manage the employee's return to work effectively when it occurs. Contact by the manager with the employee will be conducted in a reasonable manner.

Whereby the health advice indicates that a return to work is unlikely, ill-health early retirement or pension rate of pay may be applicable. Further information on these schemes are available from the pensions department of HR.

Resumption of Duty

An employee intending to resume duty prior to the date specified on the medical certificate must provide a medical certificate of fitness from his/her doctor before the date of resumption. For an absence of 4 or more continuous weeks or any period of TRR/unpaid sick leave, or a shorter period where the employer has reasonable grounds for concern, confirmation of fitness to return to duties from his/her doctor must be provided, and certification by an OHP may also be required, depending on the nature and/or duration of the illness/injury. In exceptional cases, a phased return to work may be facilitated, based on medical advice.

Maternity Related Illness Protection

If a pregnant employee is 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 an employee 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 at half pay due to pregnancy-related illness, which occurred before she went on maternity leave.

Annual Leave/Public Holiday Entitlement

Any entitlements in respect of public holidays occurring while on sick leave will be addressed by additional annual leave which is to be taken within the current leave year in question i.e. after the sick leave period. If it is not possible to absorb all entitlements in the leave year it is permitted to carry the balance forward to the following leave year.

In the case of teachers and Special Needs Assistants this additional annual leave is to be taken during school closures.

Employees who resign/retire or whose employment ceases may be entitled to additional payment in lieu of their accrued leave.

Status During Leave

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

Employees on leave of absence in excess of two full years

An employee who has been on long term leave of absence of any kind in excess of the full two years will be required, prior to return, to undergo a medical assessment and be deemed medically fit by an OHP.

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 employee's future salary payment.

Compliance

Failure to abide by the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to the cessation of salary.

Review

This policy will be subject to review in accordance with organisational needs and/or where it is necessary to do so due to changes in DES regulations, legislation or other such situations.

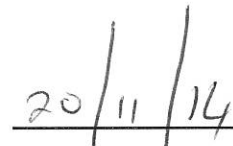
Signed: _____



Mr. T. Owens

Chief Executive Officer

Date: _____



Appendix 1: Maternity/Pregnancy Related Illness and Sick Pay

Discounting of Pregnancy Related Sick Leave

As the sick leave scheme is based on a dual look back situation (one for entitlement and the second for the level of remuneration) it is not possible to give definitive answers to future entitlements as this will continually change depending on individual circumstances.

However, there is no automatic discounting of all periods of sick leave for pregnancy related illness; the only period eligible for discounting is the time on half pay.

Pregnancy Related Sick Leave prior to the commencement of maternity leave

An individual who is ill with pregnancy related illness and who has no further entitlement to payment either at full or at half pay in accordance with the sick leave scheme shall continue to be remunerated at half pay to the commencement of maternity leave.

In reckoning future entitlements to paid sick leave (taking in to account the dual look back of 4 years for access to the scheme and the 1 year for level of entitlements) no account shall be taken of the period of sick leave at half pay for pregnancy related illness.