



Maynooth University  
Human Resources  
Office

---

# Sick Leave Policy

**Author / Policy Owner:** Human Resources  
**Creation Date:** January 2017  
**Review Date:** January 2020  
**Version:** Published

## Revision History

Date of this revision: January 2020	Date of next review: 2024
-------------------------------------	---------------------------

## Table of Contents

Relevant Information .....	3
Definitions.....	4
Sick Leave Policy .....	5
1. Purpose .....	5
2. Scope .....	5
3. General Principle.....	5
4. Roles & Responsibilities.....	6
4.1. Role of the Employee.....	6
4.2. Role of the Head of Department and/or nominee .....	6
4.3. Role of Human Resources .....	7
5. Uncertified (Self-Certified) Sick Leave .....	7
6. Certified Sick Leave .....	7
6.1. Medical and Dental Appointments .....	8
6.2. Ordinary Illness Leave Provisions.....	8
6.3. Critical Illness Leave Provisions.....	8
6.4. Sick Leave and Statutory Leave .....	8
6.5. Sick Leave and Other Paid Leave.....	8
6.6. Temporary Rehabilitation Remuneration (TRR) .....	9
6.7. Entitlement to Unpaid Sick Leave .....	9
6.8. Dual Look Back .....	9
6.9. Sick Leave Related Overpayments.....	10
7. Referral of an Employee to an Occupational Health Practitioner (OHP) .....	10
7.1. Resumption of Duty.....	10
7.2. Reasonable Accommodation .....	11
7.3. Maternity Related Illness Provisions .....	11
7.4. Annual Leave/Public Holiday Entitlement: Accrual on Sick Leave.....	11
7.5. Pensionability of Sick Leave/Status during Leave .....	12
7.6. PRSI Arrangements (Social Welfare Payments) .....	12
7.7. Retirement on ill health grounds .....	12
8. Correspondence Address .....	12
8.1. Confidentiality.....	12
8.2. Compliance .....	12
Further Information.....	12

## Relevant Information

- Self-Certified Sick Leave arrangements introduced by the Government for all public sector workers from 1st August 2012
- Revised Public Sector Sick Leave Arrangements (effective 1st September 2014)
- S.I. No. 124/2014 - Public Service Management (Sick Leave) Regulations 2014

## Definitions

For the purposes of this policy the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

- **Critical Illness Provisions** – means that an employee who becomes incapacitated as a result of a critical illness or serious physical injury may be granted extended paid sick leave in exceptional circumstances.
- **Dual Look Back** – means where, for the calculation of pay, an employee's sick leave record is initially reviewed over a four year rolling period and then reviewed over a one year rolling period.
- **Employer** – means Maynooth University and/or its subsidiaries.
- **Employee** – means any person employed under a contract of employment by Maynooth University.
- **Leave Year** – means the leave year applicable to the relevant grade.
- **Occupational Health Practitioner (OHP)** – means a provider of independent medical advice.
- **Ordinary Illness** – means an illness which is not regarded as critical illness.
- **Temporary Rehabilitation Remuneration (TRR)** – means the remuneration an employee may be awarded if he or she has exhausted their access to paid sick leave.
- **Sick Pay** – means the pay that an individual may be awarded when he or she is absent on sick leave.
- **Period of illness** – means any period in which an employee of the University is medically unfit to carry out their full duties irrespective of whether the employing institution is open for normal business or not.

# Sick Leave Policy

Maynooth University is committed to discharging its duty of care by maintaining the safety, health and welfare of employees while at work, and doing all that is reasonably practicable to assist employees who are absent from the University due to injury or ill-health, to return to work as soon as possible.

The granting of sick leave to an employee who is ill is intended to provide an adequate opportunity for that employee to recover from their illness and to support them during their time away from work so that they can, where possible, make a full and timely return to work.

## 1. Purpose

The purpose of this policy is to set out Maynooth University's Sick Leave Policy as part of its commitment to supporting employee wellbeing and welfare, in order to enable employees to fulfil their contractual obligations, by rendering the type of regular and efficient service which will enable the overall achievement of the University's goals in line with Maynooth University's Strategic Plan.

The objectives of this policy are as follows:

- To set down and explain the terms associated with Maynooth University's Sick Leave Policy; and
- To clarify the roles and responsibilities of Employees, Heads of Department and the Human Resource Department in the effective implementation of this policy.

This document outlines the policy and procedures for sick leave only; separate University policies are in place for other leave periods and are available on the University's website:  
<https://www.maynoothuniversity.ie/university-policies>

## 2. Scope

The regulations and procedures outlined in this policy apply to all University employees employed under a contract of employment.

All benefits are on a pro-rata basis, based on the individual employee's contract of employment and working arrangements.

Maynooth University operates a sick pay scheme for employees who are absent due to injury or ill-health. It should be noted that the continuing provision of Maynooth University sick pay arrangements are predicated on employees complying with this policy and co-operating with any measures to facilitate their return to work.

## 3. General Principle

Sick leave periods are calculated retrospectively and include weekends, closures and days on which an employee is not timetabled for attendance (e.g. part-time), occurring within the period of absence.

It should be noted that sick leave provisions for an employee working on a part-time basis will be adjusted pro-rata to their agreed attendance pattern and are subject to the normal provisions governing the granting of sick leave. An employee's entitlement to sick leave shall cease on the expiry of their contract of employment in circumstances where that contract is not being renewed.

## **4. Roles & Responsibilities**

This section clarifies the roles and responsibilities of employees, Heads of Department and Human Resources in the effective management of absence due to illness.

### **4.1. Role of the Employee**

Any employee who is absent due to illness should notify their Head of Department or their nominee, by telephone, on the first day of absence and may be asked to substantiate the absence with medical certification which, in any event, will be required following the second day of absence. The employee should, where possible, indicate the likely duration of the absence.

It is the role of the employee to:

- Submit medical certificates to the Head of Department and/or Human Resources as and when required. The duration of the medical certificate must be specified and subsequent medical certificates submitted on a weekly basis unless otherwise advised;
- Ensure that they follow the correct procedures for claiming the relevant social welfare payments in all cases where they are entitled to same;
- Engage (at reasonable intervals) during extended periods of absence with the Head of Department and/or Human Resources and advise of progress and likely date of return, when known;
- Attend Occupational Health Providers if requested to do so by the University;
- Participate in a return to work follow up with their Head of Department, or their nominee, if required; and
- Co-operate fully with rehabilitative measures to facilitate their return to work as soon as they are capable of doing so.

Sick leave should be recorded through the Employee Self-Service (ESS) portal. Where sick leave is recorded in this manner by the employee the time recorded will be sent directly to the respective Head of Department and the HR Office sequentially.

It is understood that the employee may not have access to their ESS portal during periods of sick leave. In such circumstances, the respective Head of Department or their nominee may record sick leave for the employee using the Manager Self-Service (MSS) portal. Where sick leave is recorded in this manner, the time recorded will be sent to the HR Office directly.

Medical Certificates should be sent to HR as soon as is feasible for an employee.

Please also refer to clause 7.6 of this policy for information on PRSI arrangements.

### **4.2. Role of the Head of Department and/or nominee**

It is the role of the Head of Department and/or nominee to:

- Promote a positive attendance culture in the workplace by communicating the importance of regular attendance, fostering teamwork and fostering a dignity at work environment for all employees;
- Ensure that employees are familiar with sick leave policy & procedures;
- Ensure compliance with the notification and certification requirements;
- Ensure that accurate attendance records are maintained in accordance with standard procedures;
- Carry out informal discussions where the employee's attendance record is giving cause for concern with and advise them of the required improvements, following consultation with the Human Resource Office;
- Identify patterns and trends of sickness absence, particularly frequent and persistent short term absences which may or may not be related to health reasons and liaise with Human Resources to obtain guidance and support;

- Ensure contact/engagement with the employee during extended periods of absence, where agreed and appropriate;
- Liaise with Human Resources or Health and Safety Officer where it is believed that health-related matters are affecting the employee's productivity, or where work may be affecting the employee's health; and/or
- Ensure that employees are supported upon their return to work and, where appropriate, provide an operational update to the employee in order to assist them in the effective resumption of their duties.

#### **4.3. Role of Human Resources**

It is the role of Human Resources to:

- Provide advice and support to Heads of Department in the management of sickness absence;
- Provide support and guidance to employees who may be on long term sick leave;
- Evaluate the effectiveness of the Sick Leave Policy and ensure that it is being applied consistently across the University;
- Where an employee's sickness levels are a cause for concern provide support to the Head of Department and employee in addressing the issue;
- Liaise with the Occupational Health Provider and Heads of Department in the case of referrals to Occupational Health and advise on the implementation of recommendations arising from medical assessments;
- Liaise with the respective Head of Department on the resourcing implications of long-term absence
- Advise employees on the application of this policy, its procedures and associated benefits including Certified Sick Leave, TRR and CIP.

### **5. Uncertified (Self-Certified) Sick Leave**

The maximum number of days allowable without medical certification (self-certified) may not exceed seven working days in a rolling twenty-four-month period. Any period in excess of this must be certified, even if it is for a single day.

Uncertified sick leave is pro-rata for part-time employees and those employees on a fixed-term contract of less than 2 years.

The applicable count back is 24 months from the date of relevant absence.

### **6. Certified Sick Leave**

Where an employee is absent on continuous sick leave of more than 2 days, a medical certificate must be provided to their Head of Department or HR.

- A medical certificate must be provided if a sick absence extends from Friday to Monday inclusive;
- Should an employee fail to provide a medical certificate following a period of absence or during a long term absence, the employee will be contacted directly by HR to agree the appropriate documentation and timing that the University requires to ensure their leave is approved and is in line with this policy.

To be deemed acceptable, a medical certificate must:

- Be signed by a duly qualified medical practitioner; and
- State fitness to work or otherwise.

Medical certificates will be accepted from overseas medical practitioners, where an employee becomes ill abroad or is receiving a recognised medical treatment unavailable in Ireland.

### **6.1. Medical and Dental Appointments**

Paid leave may be granted to an employee for the purpose of attending medical and/or dental appointments, provided such appointments could not have been arranged outside of the employees assigned working hours. This is time can be taken as either uncertified sick leave or certified sick leave.

### **6.2. Ordinary Illness Leave Provisions**

An employee who is absent from duty because of personal illness or injury may be granted paid sick leave of:

- A maximum of 3 months (92 days) on full pay;
- 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;
- All employees must complete 13 weeks continuous service in order to be eligible for sick pay;
- Employees on fixed-term contracts will receive sick pay benefits on a pro-rata basis;
- Entitlements will be calculated over a rolling four-year period from the date of the relevant absence;
- The approval of the University must be sought prior to an employee travelling abroad while on sick leave, such approval should be sought at least two weeks prior to travel. Where appropriate to the circumstances, the University may, in turn, seek the advice of an Occupational Health Practitioner before deciding on this matter. In instances where the purpose of the travel abroad is to receive medical treatment, a letter from the treating physician should be sent to the University prior to travelling if possible, but no later than one week following the medical treatment
- An employee's entitlement to sick leave shall cease on the expiry of their contract of employment, and that contract not having been renewed.

### **6.3. Critical Illness Leave Provisions**

An employee 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 6 months (183 days) on full pay;
- 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.

If an employee has an ordinary illness within a 12-month period of the start date of the granting of critical illness provisions, those provisions will continue to apply, subject to the relevant thresholds of same.

### **6.4. Sick Leave and Statutory Leave**

Employees may not have access to two different types of leave at the same time. 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 to postpone or suspend the statutory leave.

### **6.5. Sick Leave and Other Paid Leave**

An employee may not have access to two different types of leave at the same time. When an employee is availing of special leave (e.g. career break) there is no access to sick leave.



## **6.6. Temporary Rehabilitation Remuneration (TRR)**

Where the relevant period of paid sick leave has been exhausted, an employee with a minimum of 5 years' pensionable service at the end of the period of paid sick leave may be granted TRR subject to certain conditions. 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.

TRR will be calculated on:

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

The amount of TRR paid should not be taken as an accurate reflection of what the employee may receive at retirement, as the circumstances may be different and the period during which TRR is paid is not a period of pensionable service.

TRR will not exceed 18 months (548 days) in the case of ordinary illness. In the case of an employee who 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. This further period of TRR is subject to regular reviews by an Occupational Health Practitioner.

## **6.7. Entitlement to Unpaid Sick Leave**

An employee who, on having exhausted the maximum period of paid sick leave (and does not qualify for TRR) is still medically unfit to resume duty and wishes to retain their position in the employment must notify the University of their intention to 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 set above.

An employee must exhaust their period of paid sick leave before they can apply for unpaid sick leave. 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.

Prior to the expiration of unpaid sick leave, the University will seek the advice of an OHP on the employee's prospect of recovery and return to work.

## **6.8. Dual Look Back**

To calculate an employee's appropriate rate of pay when absent as a result of illness or injury, there will be a dual look back system as follows:

### **Ordinary Illness**

Step 1: Determine whether the employee has access to paid sick leave.

The employee's sick leave is reviewed over the 4-year period from the first date of the relevant absence. If 6 months (183 days) paid sick leave has not been exhausted over that 4-year period access may be granted for paid sick leave.

Step 2: Determine whether full pay, half-pay, or TRR applies.

If Step 1 indicates that the employee has access to paid sick leave, their sick leave record is then reviewed over the 1-year period from first date of the current absence to determine the rate at which sick leave may be paid. If the initial 3 months (92 days) limit at full pay has not been exhausted, full pay may be awarded until the limit of 3 months (92 days) is reached. Thereafter, the amount paid will be calculated based on half pay or TRR, as appropriate.

## **Critical Illness**

Step 1: Determine whether the employee has access to paid sick leave.

The employee's sick leave is reviewed over the 4-year period from the first date of the relevant absence. If 12 months (365 days) paid sick leave has not been exhausted over that 4-year period access may be granted for paid sick leave.

Step 2: Determine whether full pay, half-pay, or TRR applies.

If Step 1 indicates that the employee has access to paid sick leave, their sick leave record is then reviewed over the 1-year period from the first date of the current absence to determine the rate at which sick leave may be paid. If the initial 6 months (183 days) limit at full pay has not been exhausted, full pay may be awarded until the limit of 6 months (183 working days) is reached. Thereafter, the amount paid will be calculated based on half pay or TRR, as appropriate.

### **6.9. Sick Leave Related Overpayments**

In circumstances where an overpayment of salary arises (perhaps as a result of the late arrival of a medical certificate) such overpayment will be recouped from the employee's remuneration in accordance with the Payment of Wages Act, 1991. The member of staff will be notified of the amount in writing. The associated recoupment schedule will be agreed with the employee but will normally be within a maximum six-month period.

## **7. Referral of an Employee to an Occupational Health Practitioner (OHP)**

It is a requirement of this sick leave policy that all employees availing of sick leave should attend a medical assessment of an Occupational Health Practitioner in circumstances where they are requested to do so by the University.

Such referrals are typically arranged following three months absence from work, and in other exceptional cases depending upon the nature of initial medical certification or in situations where a referral is deemed appropriate by the University.

The employee is required to co-operate and engage with an OHP.

During or following a period of sick leave, the Occupational Health Practitioner may wish to contact the employee's doctor for a comprehensive doctor-to-doctor report. This contact will be subject to the consent of the employee.

It should be noted that it is a requirement of the sick leave policy that all participants and beneficiaries abide by the medical assessment of an OHP.

### **7.1. Resumption of Duty**

It is expected that an employee would be medically fit to resume full duties after a period of sick leave so that a resumption of duty would not induce a relapse into illness.

An employee intending to resume duty prior to the date specified on their medical certificate must provide a medical certificate of fitness from their attending doctor before the date of resumption. In the absence of such certification, the full period as recorded on the medical certificate(s) will be counted as sick leave. Certificates of fitness furnished at a later date will not be accepted as evidence of fitness for duty.

Prior to resumption of duties, an employee who is absent on paid sick leave for 4 or more continuous weeks, or absent for any period of TRR/unpaid sick leave or a shorter period where the University has reasonable grounds for concern must submit medical certification of fitness for duties.

## **7.2. Reasonable Accommodation**

In accordance with the Employment Equality Act, employees who are returning to work having acquired a disability are entitled to have reasonable accommodation made to facilitate their return to work. Any appropriate enabling options should be fully explored, for example:

- Making adjustments to premises and/or working space where reasonably practicable;
- Reallocating minor or subsidiary duties to other employees on an interim basis;
- Altering working hours/reduction in hours;
- Changing the location of the work;
- Providing a period of rehabilitation;
- Offering additional or extended training for the post;
- Acquiring relevant equipment or modifying existing equipment; and /or
- the provision of ongoing mentoring & support during transition periods.

## **7.3. Maternity Related Illness Provisions**

The Public Service Management (Sick Leave) Regulations 2014 set out the provisions which relate to the interaction of pregnancy-related illness with sick leave limits. The Regulations set out how the time on half-pay due to pregnancy-related illness is protected.

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 the employee 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.

## **7.4. Annual Leave/Public Holiday Entitlement: Accrual on Sick Leave**

Arising from the Amendment of the Organisation of Working Time Act (1997), the following arrangements apply with effect from 1<sup>st</sup> August 2015:

- If an employee is absent from work on certified sick leave annual leave will accrue based on the statutory annual leave entitlement of 20 days per annum (pro-rata for part-time employees);
- Annual leave accrued while on certified sick leave must be taken within 15 months after the end of the leave year in question;
- It should be noted that normal accrual of annual leave resumes once the employee returns to work

Employees who are unable to take their annual leave at the appropriate time due to certified illness and who terminate their employment, reach the end of their contract of employment, retire within 15 months of the end of the year in which that annual leave is accrued, may be entitled to payment in lieu of this leave.

## **7.5. Pensionability of Sick Leave/Status during Leave**

During periods of sick leave on half-pay, pension contributions will continue to be deducted on the pre-sick leave salary. This ensures that service will continue to be pensionable during this period. During periods of unpaid sick leave, pension contributions will not be deducted and pensionable service will cease. Any period where an employee is in receipt of Temporary Rehabilitation Remuneration will not be reckonable for pension purposes. On return to work, employees can consider purchasing breaks in service under the rules of the notional service plan, if eligible to do so.

It should also be noted that absences on paid sick leave (full or half pay) are fully reckonable for all purposes, including seniority. Absences on Temporary Rehabilitation Remuneration (TRR) and unpaid sick leave are not reckonable for either superannuation or increment purposes.

## **7.6. PRSI Arrangements (Social Welfare Payments)**

In the case of Class A PRSI contributors, you must request an IB1 claim form from your doctor which should be completed and submitted by the employee to the Payroll Office after a period of 3 consecutive days of sick leave for referral to the Department of Social Protection. This is required for compliance with PRSI regulations; please see [www.welfare.ie](http://www.welfare.ie) for more information in relation to this.

## **7.7. Retirement on ill health grounds**

An employee deemed medically unfit to work and who is a member of a Public Service Pension scheme, in the longer term may be entitled to certain pension benefits under the relevant pension scheme rules. The University may refer an employee to its Occupational Health Provider to ascertain an employee's suitability for consideration under this provision.

# **8. Correspondence Address**

The University will address all necessary correspondence to the employee at the e-mail/ home address last notified. Employees must inform the University in writing if their contact details have changed and no fault shall lie with the University in the event that an employee does not receive such correspondence.

## **8.1. Confidentiality**

Any information which an employee provides will not be made available to any third parties and will be used only in line with the purpose for which it was provided. Maynooth University safeguards the confidentiality of all information relating to the sick leave records of individual employees and this applies in particular to medical certificates.

## **8.2. Compliance**

All employees must adhere to the regulations and procedures set out in this policy. Failure to abide with the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to disciplinary action.

# **Further Information**

Any queries in relation to the revised sick leave arrangements should be directed to Human Resources by email [humanresources@mu.ie](mailto:humanresources@mu.ie).

Maynooth University  
Human Resources Office  
Maynooth, Co. Kildare, Ireland.

**Oifig Acmhainní Daonna**  
Ollscoil Mhá Nuad  
Má Nuad, Co. Chill Dara, Éire

**T** +353 1 708 3866 **E** [humanresources@nuim.ie](mailto:humanresources@nuim.ie) **W** [maynoothuniversity.ie](http://maynoothuniversity.ie)

Maynooth University