1. Purpose
The purpose of this policy is to outline employee sick leave entitlements and provide a consistent and fair process for the approval, recording and reporting of all absences from work due to sickness.

2. Scope
This policy applies to all employees of NUI Galway.

3. Description
Sick Leave forms an integral part of each employee’s contract of employment with the University. 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.

This policy, together with the Provisions of the Public Service Management (Sick Leave) Regulations, SI 124 of 2014 and Public Service Management (Sick Leave) (Amendment) Regulations 2015 SI 384 of 2015 determine the terms and conditions for all absences due to illness. All limits and definitions are as specified in the circular except where additional items are stated in this policy.

4. Glossary
HR – (Human Resources) SL – (Sick Leave)

OHP – (Occupational Health Physician) – a provider of independent medical advice.

DSP - (Department of Social Protection) - oversees the provision of income support and other social services. It is responsible for the delivery of a range of social insurance and social assistance schemes including provision for illness benefit, maternity, partial capacity benefit, retirement, and many more services.

EAS - (Employee Assistance Service) - Professional Counselling and Information Services. This service is free and confidential.

SL1 – (Sick Leave Return to Work form) – This must be submitted to HR after every absence due to illness.

CIP - (Critical Illness Protocol) – 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.

TRR - (Temporary Rehabilitation Remuneration) – pension rate of pay. This is the remuneration an employee may be awarded when they are absent on sick leave and their entitlement to paid sick leave has been exhausted.

Rolling Period – The rolling period commences from the start date of the absence. When calculating the entitlement to uncertified sick leave the look back is two years from the start date of the sick leave absence. When calculating the entitlement to certified sick leave, the look back is at paid sick leave, 4 years from the start date of the absence.
5. Key Responsibilities of both Employee and Manager

In order to support the understanding of the key immediate responsibilities when an employee is on sick leave, we have provided a visual aid. This is contained in Appendix 1 at the end of this document.

6. Provisions of the Public Service Management (Sick Leave) Regulations, SI 124 of 2014 and Public Service Management (Sick Leave) (Amendment) Regulations 2015 SI 384 of 2015:

6.1 Entitlement to 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 calendar days) on full pay in a year
- Followed by a maximum of 3 months (91 calendar days) on half pay
- Subject to a maximum of 6 months (183 calendar days) paid sick leave in a rolling four-year period.

6.2 Entitlement to Critical Illness Leave Provisions (CIP)

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 calendar days) on full pay in a year
- Followed by a maximum of 6 months (182 calendar days) on half pay
- Subject to a maximum of 12 months (365 calendar days) paid sick leave in a rolling four-year period.

(a) In order to determine an employee’s eligibility for Critical Illness Protocol, the Employee must apply for CIP using the application form. HR will request that they forward a report from their consultant in relation to their illness outlining details of diagnosis, treatment, prognosis, dates of hospitalisations and expected return to work date to our Occupational Health Physician. The recommendation by the OHP on the eligibility for CIP will be based on the information received by the OHP.

(b) The award of extended sick leave for critical illness or serious physical injury is a decision for the Director of Human Resources following receipt of medical advice from the OHP. Thus, while an employee may not meet the medical criteria outlined in the protocol, the Director of Human Resources may still make a decision to award in exceptional circumstances.

(c) If an employee has an ordinary illness within a 12-month period of returning to work after a critical illness, the critical illness provisions will apply.

(d) A copy of the Critical Illness Protocol is included here.

7. Temporary Rehabilitation Remuneration (TRR)

7.1 Where the relevant period of paid sick leave has been exhausted, the employee may be granted TRR subject to certain conditions:

- A minimum of 5 years’ service (in a pensionable position either in a whole-time or part-time capacity) at the end of the period of paid sick leave.
7.2 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 was 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.

7.3 TRR will not exceed 18 months (548 calendar days) in the case of ordinary illness.

7.4 In the case of an employee who has been granted extended sick pay under the critical illness protocol, he/she may have access to 12 months (365 calendar days) TRR. In addition, further periods of TRR may be awarded up to and not exceeding 24 months (730 calendar days). This further period of TRR is subject to regular reviews by an OHP.

7.5 The period during which TRR is paid is not a period of pensionable service. The employee should contact the Pensions Office if they wish to discuss their pension options.

7.6 TRR is not reckonable for increment purposes.

8. Unpaid Sick Leave

8.1 An employee who is not entitled to TRR and who is still medically unfit to return to work may remain on unpaid sick leave subject to the TRR limits set out in points 7.1 and 7.2 above.

8.2 An employee must exhaust his/her period of paid sick leave before commencing unpaid sick leave. The granting of a period of unpaid sick leave is subject to continued submission on a regular basis (for a maximum of 3 months at a time) of acceptable medical certification to the employer.

8.3 The University must seek the advice of an OHP on the employee’s prospect of recovery and return to work. Where a return to duty is not deemed viable, the University shall take such timely action as it deems appropriate, such as ill health retirement or termination of contract.

8.4 Unpaid sick leave is not reckonable for increment purposes.


9.1 Where an employee is medically unfit for work due to a pregnancy related illness, she will not receive less than 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.

9.2 Pregnancy related sick leave taken in the previous 4 years will be credited back at half pay, subject to the overall non-pregnancy related sick leave limits. Contact HR for further information at
For information purposes: An Employee is entitled, under employment law, to take time off to attend ante natal appointments. You should apply to your employer in writing providing medical evidence of your pregnancy and telling your employer that you need time off to attend ante natal appointments. You should give at least 2 weeks’ written notice of the date and time of your appointments.


Where a medical cert has stated that the illness is pregnancy related, the absence can be credited back at half pay.

**Notification of Sick Leave**

Any employee who is absent due to illness must notify their line manager at the earliest possible opportunity on the first day of the absence.

The employee should, where possible, indicate the likely duration of the absence and their intention to attend their GP or not, as the case may be.

The line manager should notify the HR Office immediately by email at hrsickleave@nuigalway.ie of an employee’s absence due to illness. This should contain the nature of the illness and commencement date of the illness.

Medical appointments: please refer to the University’s Flexible Working Hours policy.

**Certification of Sick Leave**

Employees may avail of up to 7 days in a rolling two-year period with a maximum of 2 days at a time without a doctor’s certificate. It is the responsibility of the line manager to track uncertified sick leave so that they may advise an employee if a medical certificate is required when the sick leave absence is initially reported.

A medical certificate is required from the third day of absence.

If an employee has reached the limit for uncertified sick leave as defined above, a medical certificate must be submitted for absences of 2 days or less. The line manager will then forward it to the Human Resources Office at hrsickleave@nuigalway.ie for processing.

If uncertified sick leave has been exhausted, a medical cert must be submitted from the first day of absence.

Medical certificates must continue to be submitted by the employee to the line manager, copying hrsickleave@nuigalway.ie until the staff member returns to work. The line manager is responsible for ensuring that the correct medical certificate is received directly from the employee by email and has been received by the HR Office in a timely manner. Dates on the medical certificate must correspond with the absence and must be continuous.

If the employee returns to work prior to the end date of the certificate, then a fit to return to work certificate must be submitted prior to returning or immediately upon returning. In the absence of such a certificate, 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
11.7 The rolling period commences from the start date of the absence, the look back is two years from the start date of any sick leave absence to calculate the entitlement to uncertified sick leave. For certified leave, the look back is at paid sick leave four years from the start date of the absence.

11.8 Please note it is not possible to retrospectively record sick leave under any other leave type (i.e., annual leave).

11.9 If the absence due to illness continues following rest days, a certificate will be required for the entire period. For example: If you are absent on a Friday and the following Monday, this counts as four days and a cert should be provided.

11.10 Where an employee is absent on sick leave and has not returned to duty before and after a period of institution closure, the employee will be deemed to be on sick leave for the whole duration.

12. Social Welfare Illness Benefit

12.1 In addition to a medical cert, all employees, except those on Class D PRSI, are required to apply for illness benefit if the absence exceeds 3 days. A Social Welfare illness benefit application form, or IB1 (obtainable from your GP) should be submitted directly to the Department of Social Protection (DSP), quoting the employee’s own bank account number in order to receive payment directly from the DSP. The University will automatically deduct the amount paid in illness benefit by the DSP from the employee’s salary if the employee is on sick leave for more than 3 days (reduced from 6 days to 3 days from the 1st of March 2021), irrespective of the employee submitting the appropriate form to the DSP. To complete this form, you will need the University Registered number: 0022578J.

12.2 The Employee must forward the illness benefit payment notification retrieved at MyWelfare.ie or received from the DSP to the Payroll Office at payroll@nuigalway.ie.

12.3 When your GP has certified you fit to return to work (final sick cert) you should notify the DSP to cease illness benefit payments. You any request a statement from revenue stating the amounts received by you for illness benefit and forward on to payroll to reconcile with the amounts deduct by payroll. NOTE: Illness Benefit as all incomes is taxable.

12.4 If you have Social Welfare payments from the DSP, it is good practice to contact Revenue as they may have automatically changed your tax (credits) from a weekly to a cumulative basis.

12.5 Partial Capacity Benefit is paid by the DSP if you cannot work to your full capacity but have received permission to return to work from your GP and OHP. Contact the department’s Partial Capacity Benefit Section by calling (01) 704 3300 or by email PCB@welfare.ie. They will post you an application form, as these are not currently available online.

13. Income Continuance

Please note that as it can take time to process your claim for income continuance, you should contact your provider at the earliest possible opportunity if you think that you may be absent for long enough for it to affect your pay.
14. Occupational Health Physician Referrals

The employer has a duty to ensure employees’ safety, health and welfare at work as far as is reasonably practicable. Therefore, the University may refer the employee to an OHP for the purpose of an independent assessment under (and not limited to) the following circumstances:

- Following six consecutive weeks of sick leave
- Work related stress leave
- Where reasonable concerns exist
- Where frequent short-term absences occur
- Employees may contact the Employee Relations office if they wish to request an OHP appointment

It is a requirement that the employee co-operates and engages with the OHP which may include communication between the OHP and the employee’s attending doctor, with the employee’s consent.

15. Return to Duty

15.1 The return to duty SL1 Form should be completed by the employee and then signed and submitted by the line manager to the Human Resources Office at hrsickleave@nuigalway.ie on the first day of return to duty following a sick leave absence.

15.2 Prior to resumption of duties, an employee who is absent on paid sick leave for 6 or more continuous weeks or absent for any period of TRR/unpaid sick leave, or absent for a shorter period where the employer has reasonable grounds for concern, must submit medical certification of fitness for duties.

15.3 Reasonable accommodations can be made to aid this return to duty in consultation with HR.

16. Overpayment/ Underpayments

It is imperative that sick certs and SL1 forms are submitted to the Human Resources Office in a timely fashion to avoid overpayments or underpayments. The University will amend any over/underpayment of salary which occur. This will normally be done in the next pay period.

17. Annual Leave and Public Holidays:

17.1 Annual leave and sick leave:

- If an employee is absent from work on paid certified sick leave, annual leave accrues as normal.
- If an employee is absent from work on unpaid certified sick leave or is in receipt of TRR, annual leave will accrue based on the statutory annual leave of 20 days per annum (pro rata for part-time employees)
- The entitlement will be to carry over such accrued annual leave for up to 15 months after the leave year in question.
- This entitlement must be availed of within 15 months of the end of the leave year to which it relates.
- 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 contract/retire within 15 months
of the end of the year in which annual leave is accrued, may be entitled to payment in lieu of this leave.

- Employees who have been on sick leave must return to work prior to commencing annual leave.

17.2 Public holiday entitlements during sick leave

- If you are a full time worker who is on certified sick leave during a public holiday, you are entitled to benefit for the public holiday you missed. This time should be taken at a later date in agreement with your manager.
- If you are a part-time worker and you are on sick leave during a public holiday on which you were rostered to work, you would be entitled to time off work for the public holiday provided you worked for your employer at least 40 hours in the previous 5-week period.
- You are not entitled to the public holiday if you are absent from work immediately before the public holiday and you have been off work for more than 26 weeks due to an ordinary illness or accident, or for more than 52 weeks due to an occupational accident.

18. Status during leave

Absences on paid sick leave (full or half pay) are fully reckonable for superannuation, incremental purposes.

Absences on TRR and Unpaid leave are not reckonable for superannuation and increment purposes.

19. Probation

In the case of an employee who is on probation at the start of sick leave, the period of probation will stand suspended during the absence on sick leave and will be completed by the employee on his/her return to work.

20. Retirement on ill health grounds

Ill Health Retirement will only be considered in consultation with the Employee and the University Occupational Health Physician.

21. Third party responsibility

If an employee is engaged in a third-party legal referral in relation to a personal injury claim or loss of earnings claim, the employee or their legal representative should contact the Human Resources office.

22. Correspondence Address

It is imperative that the employee ensures that HR has their current address as the responsibility would lie with the employee if any correspondence sent to them is not received. The University will address all necessary correspondence to the employee at the email/home address last notified.

23. Compliance

All employees are required to adhere to the regulations and procedures set out in the policy. Failure to comply with the regulations and procedures will be dealt with under the agreed University disciplinary procedures and may lead to the cessation of salary.

24. Confidentiality & GDPR

Any information and/or personal data which an employee provides under this Policy will be used only for the purpose for which it was provided, in line with GDPR compliance and in compliance with the University Data Protection Policies and Procedures which are available on the University website.
25. **Role of Employee Assistance Service**

The role of the Employee Assistance Service is to support employees confidentially in resolving personal or work-related concerns which are having an adverse effect on their physical and emotional wellbeing, their job, their relationships or their health and wellbeing. The service is a free & confidential professional counselling and information service. Full details on the range of services available are available on the HR website.

26. **Related documentation:**

- Public Service Management (Sick Leave) Regulations, SI 124 of 2014
- Public Service Management (Sick Leave) (Amendment) Regulations 2015 SI 384 of 2015
- Return to Work following Sick Leave (SL1)
- Payment of Temporary Rehabilitation Remuneration during Sick Leave form
- Application form for exceptional extended paid sick leave due to Critical illness

27. **Other Responsibilities**

**Pensions Office:**

- Calculate the rate of Temporary Rehabilitation Remuneration (TRR) in accordance with the DES circular.
- Income Continuance.

28. **Appendix 1**
Employee’s Responsibilities

- Notify your line manager at the earliest opportunity on the day of the sick leave absence, outlining:
  1. Reason for the absence.
  2. The likely return date.
  3. Whether the leave is certified or uncertified.

- Email a medical cert to your line manager (a clear photo will suffice), copying hrsickleave@nuigalway.ie within 3 days of the 1st day of the absence.

- If the absence exceeds 3 days: apply for Illness Benefit online at MyWelfare.ie if you have a MyGOVID verified account and your GP has provided a medical certificate. Provide your own bank details for direct payment of illness benefit as the University will automatically deduct for the amount received, irrespective of whether or not you have applied for same. Social Welfare is taxable as an income.

- Submit notification received from DSP stating amount received to payroll@nuigalway.ie

- Maintain reasonable regular contact with your line manager during sick leave in relation to your wellbeing.

- Complete the Sick Leave form (SL1) on return to work post sick leave after each absence and forward to your manager for signing then return by email to hrsickleave@nuigalway.ie

- Ensure that your contact details such as address and next of kin are the most current.

- Apply for income continuance at the earliest opportunity if you think that your pay may be affected.

- Refer to the Sick Leave Policy for more in-depth information.

Line Manager’s Responsibilities

- Notify HR sick leave at the earliest opportunity on the day of the sick leave absence, outlining:
  1. Reason for the absence.
  2. The likely return date.
  3. Whether the leave is certified or uncertified.

- Request medical cert from employee and email to hrsickleave@nuigalway.ie within 3 days of the 1st day of absence.

- Maintain reasonable regular contact with the employee during the period of sick leave regarding their wellbeing.

- Meet the employee on their return to work & record this meeting. Return completed SL1 form to hrsickleave@nuigalway.ie after every absence on day employee returns to work.

- Keep track of uncertified sick leave of employees over 2 year period (Max 7 days), in order to advise employee if medical certificate is required.

- Refer to Line Managers guide & full sick leave policy for more information.

- Send Annual leave forms for all Employees not on Coretime by the end of January each year so that HR can confirm Sick Leave balances.
Human Resource’s Responsibilities

- Policy owner
- Advise managers and employees on the application of the sick leave scheme including Critical Illness Protocol – (CIP) and Temporary Rehabilitation Remuneration (TRR)
- Record, monitor and report on sick leave.
- Obtain medical reports and action the implementation of CIP & TRR in accordance with the scheme.
- Liaise with Income Continuance Providers in relation to confirming illness details.

OHP Referrals

The benefit of the OHP referral are two fold- they offer support to the employee and aid the HR office/unit in workforce planning. An Employee may be referred to the OHP for the purpose of an independent assessment under (and not limited to) the following circumstances.

- Following 6 consecutive weeks of sick leave
- Work related stress leave
- Where reasonable concerns exist
- Where frequent short term absences occur
- Employees may contact the ER office if they wish to request an OHP appointment employee.relations@nuigalway.ie.
- CIP – if an employee is on sick leave due to critical illness the HR Office will contact them with the details of CIP and the application process.
- The employee is required to co-operate and engage with the OHP which may include communication between the OHP and the employee’s attending Doctor.
- All employees are required to abide by the medical assessment to the OHP
- Reports issued by the OHP are confidential and are stored securely. The Employee Relations Office will correspond with the staff member and their line manager after having reviewed the OHP report.
What is EAS?

- The University provides and Employee Assistance Service to all employees and members of their families/households where the family member can be described as a person over the age of 18 and residing in the family home.
- The service is a free & confidential professional counselling and information service. You can call anytime day or night (24/7, 365 days a year).
- All employees can avail of this service for any matter which can be personal or work related and may have an impact on an employee’s life.
- A broad range of counselling support options are available. You can receive telephone advice, access to customised online services, specialist information on health & wellbeing and structured counselling.
- For Free, Confidential & Immediate support free phone: 1800 814 243
- Further information is available here.
SL1 Form (Return to Work Post Sick Leave From)

(To be completed and submitted on the first day of return to work following sick leave absence by Staff Member & Line Manager.)

I have been absent from work due to illness from ______________________ (first day of sick leave) to ______________________ (last day of sick leave as per medical cert).

I returned to work on: ________________________ (date of day returned to work)

Absence certified: ☐ Uncertified: ☐ COVID-19: ☐

Illness benefit application is required if absence is for more than 3 days of ordinary illness or more than 7 calendar days on COVID-19 Special Leave with Pay.

Application forms for Illness Benefit are obtainable from your GP and should be submitted directly to the DSP - Department of Social Protection (quoting your own bank account number so that illness benefit payment is made directly to you).

Please note that the University will deduct the standard amount paid by the DSP from your salary, irrespective of whether or not you have submitted the application form to the DSP.

I confirm that, as my absence was for more than 3 days or more than 7 calendar days on COVID-19 Special Leave with Pay, I have applied for illness benefit from the Department of Social Protection (DSP). (With the exception of Employees on Class D PRSI) as applicable.

Yes: ☐ No: ☐

I confirm that I have forwarded the illness benefit payment statement retrieved on MyWelfare.ie notification to payroll@nuigalway.ie

Yes: ☐ No: ☐

Name of Staff Member: ________________________ Staff ID Number: __________
(Please Print) __________________________________________

Signed: ________________________ Date: __________
Employee __________________________________________

Line Manager: I confirm that I have conducted a return-to-work interview. ☐

Name of Line Manager: ________________________ Date: __________
(Please Print) __________________________________________

Signed: ________________________
Line Manager __________________________________________
School/Unit: ________________________
Request for Payment of (TRR) Temporary Rehabilitation Remuneration during Sick Leave

Payment of Temporary Rehabilitation Remuneration (TRR) is granted subject to the following conditions:

- A minimum of 5 years pensionable service
- The OHP must confirm that there is a reasonable prospect of recovery and return to work.
- The period during which the TRR is paid is not a period of pensionable service.
- The declaration below must be signed and returned to the HR sick leave office.

I wish to confirm my understanding that the allocation of ill-health added years under TRR is without prejudice to any determination of such when my final pension is decided.

To be completed by Employee:

Name of Staff Member: ___________________________   ID Number: ______________
(Please Print)

Signed: ___________________  _____  __ Date: ___/____/________
Employee

Name of Line Manager: _____________________________        School/Unit: ________________

Temporary Rehabilitation Remuneration (TRR) to commence:   / _/

Completed form to be returned to the HR sick leave office @ hrsickleave@nuigalway.ie as soon as possible.

The payment of TRR will not commence until the completed form is received.

IMPORTANT: Please note if you are eligible to receive social welfare benefits you are entitled to keep them from the date you receive payment of TRR.
Application for exceptional extended paid sick leave due to Critical Illness

It is recognised that public service bodies, as employers, need to continue to provide support for their employees who may be incapacitated as a result of critical illness or serious physical injury. Therefore, when an individual becomes incapacitated as a result of critical illness or serious physical injury, and has supporting medical evidence for an extended period of sick leave, the individual may, on an exceptional basis, be granted paid sick leave extended as follows:

- A maximum of 183 calendar days on full pay in the previous rolling one-year period.
- Followed by a maximum of 182 calendar days on half pay in the previous rolling one-year period.
- Subject to a maximum of 365 calendar days paid sick leave in the previous rolling four-year period.

The granting of exceptional extended paid sick leave is a decision of management having considered the occupational medical advice.

To be completed by Employee:
I ___________________________ (name), _______________________ (Employee ID Number) wish to apply for the granting of exceptional extended paid sick leave in accordance with the University Sick Leave scheme. I agree to provide all medical information required to the University Occupational Health Physician.

Signed: ___________________________ Date: _______________
Employee

To be completed by Human Resources Office:
I confirm the granting of exceptional extended paid sick leave. ☐

Signed: ___________________________ Date: _______________
Director of Human Resources/ Designated Human Resources Manager signature

Name of Director of HR/ Designated Manager: _______________________ Date: _______________
(Please print)