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| **Teaching Support Staff (TSS)** |
| **Frequently Asked Questions**  |

**Glossary:**

**TSS** – Teaching Support Staff

**PTA-** Part-time Teaching Assistant

**DHR –** Director of Human Resources

**ISS** – Information Services and Solutions

**FTE** – Full Time Equivalent

**Why are there changes to TSS/PTA policy and procedure?**

To ensure that appropriate Contracts of Employment are issued in line with employment legislation including the following:

**Protection of Employees (Fixed Term Work) Act 2003**

*“A person having a contract of employment entered into directly with an employer where the end of the contract of employment concerned is determined by an objective condition such as arriving at a specific date, completing a specific task or the occurrence of a specific event, but does not include:*

*(a) Employees in initial vocational training relationships or apprenticeship schemes,’ or*

*(b) Employees with a contract of employment which has been concluded within the framework of a specific public or publicly supported training, integration or vocational re-training programme”*

**Protection of Employees (Part Time Work) Act 2001**

*“An employee whose normal hours of work are less than the normal hours of work of an employee who is a comparable employee in relation to him or her. ”*

**The Employment (Miscellaneous Provisions) Act 2018**

*An employer must notify each new employee, in writing, within five days of commencement of employment, of the following core terms of employment:*

*the full names of the employer and the employee;*

*the address of the employer;*

*the expected duration of the contract, in the case of a temporary contract, or the end date if the contract is a fixed-term contract;*

*the rate or method of calculation of the employee’s pay;*

*the number of hours the employer reasonably expects the employee to work per normal working day and per normal working week.*

1. **Why has there been a change in the processing of TSS contracts?**

There has been a change in the process from how Teaching Support staff would have been engaged pre-September 2020. However, this is to ensure that appropriate contracts are issued in line with legislation, and to ensure that staff engaged are given appropriate contracts. We will continue to review the process and would hope that we may be able to streamline the process as we work through the process changes.

1. **Where do I find the Contract set up forms?**

You should always refer to the TSS [website](https://nuigalway.ie/human-resources/recruitment-and-selection/recruitment-and-selection/teachingsupportstaff/) for the most up to date version of the form as it will include the most up to date links, rates and information. **Contract set up forms should *always* be submitted *in advance* of the proposed employee commencing employment, allowing time to put the necessary approvals and paperwork in place. Contract start dates should *never* be retrospective.**

1. **How do I complete the contract set up form?**

The online set-up form will need to be completed by the Line Manager/Administrator after having discuss the role with the proposed TSS. Once submitted, a link will be sent on for approval in MS Teams by the Head of School and Financial Controller. Any other necessary documentation, such as a CV and work permit, where applicable, and business case, where required, should also be uploaded where indicated on the set-up form before the deadline of the 5th of the month **prior** to the month in which the employee is due to commence work.

1. **Which budget codes can be used for TSS?**

The payment of employees under the TSS process must be from a D account and not an R account. Each College has an allocated budget for TSS recruitment. Where the reasons for the employment of a TSS member is to buy out teaching as part of a research grant then the research grant should be offset against the PI’s salary and the funds in the D account used for the payment of the TSS staff member.

1. **What is the deadline for submission of contract requests for processing?**

The deadline for submission of contracts for approval is the 5th (or the 10th in some areas) of the month prior to the month in which the work is due to begin (e.g., if the work is to commence in February, then a request form should be submitted for same by the 5th of January. This is to ensure that there is adequate time for the documentation to be reviewed, paperwork issued and returned where necessary and for the individual to be set up on the HR system for payroll. Where a unit knows what staff are being engaged then this information should be forwarded to HR as soon as possible, and by the 5th of the month before work commences where possible. There may be some instances where it is not possible to know who is being engaged. Where this arises, the details should be sent to HR as soon as possible, the delay beyond the 5th of the month may result in payment being delayed until the following months. This would be similar to the deadline in place for submission of time sheets to be paid by a particular time. If the unit is unsure of the hours required, a base contract should be issued, and hours adjusted upwards where necessary as soon as possible and before the expiry of the current contract.

1. **How do I change the hours of a TSS member?**

Where the hours of the individual have changed i.e., they are required to do additional hours, an online contract amendment form, available on the [website](https://nuigalway.ie/human-resources/recruitment-and-selection/recruitment-and-selection/teachingsupportstaff/) will need to be completed and submitted as per deadlines for Contract Set Up Forms as soon as possible and before the expiry of the current contract on the same process.

1. **How do TSS members get ISS Access?**

In order to ensure ISS access any staff member engaged must have a contract of employment. **Please note that if an employee needs access prior to their teaching start date for preparation of their work, then the contract should start when the preparation starts (as the preparation is part of their TSS work) to allow them IT access to do so**. For example, if the teaching starts on the 1st of September, then the preparation for this teaching would need to start prior to this and so too should the contract start date. They will retain access for 120 days after the end of their contract.

1. **How many hours can TSS work?**

Non-students (see point 20 for information on how much work students can do) can work up to .5 of an FTE where required. Anything over .5 of an FTE requires a business case to be submitted with the contract set up form for approval by the Director of HR. TSS can work a maximum of 9 contact hours in a week.

1. **Does the payment for Teaching hours include payment for preparation?**

Yes, payment for each hour of teaching includes payment for one hour of preparation work. Payment for 2 hours of teaching actually includes payment for four hours of TSS work (eg, payment of 2 hours of face-to-face teaching includes the two hours of teaching and two hour of preparation). If extra academic related duties are required on top of this payment for preparation, they can be noted in the ARD field.

Only the number of hours of teaching should be noted in the Teaching hours field on the form (the ARD which is included is accounted for in this). We hope to change this for the coming Academic Year.

1. **How do I submit Timesheets?**

It is important not to submit Timesheets until the contract set up has been confirmed by the HR office by email. This correspondence will tell you if the employee will be paid by timesheet submission or by monthly salary.

Timesheets should be submitted on a monthly basis in the month following the work being done. The University has an obligation to its employees to ensure they are paid in a timely manner, as well as an obligation to end the record and report same to Revenue, and from a University Budgeting perspective it is important to be able to report on expenditure. If payment is not claimed within 3 months of the work being carried out, then the HR record must be closed as per Revenue guidelines, resulting in loss of access to IT systems for the employee. The final timesheet must be claimed in the month following the last month of the contract. If the timesheet is not claimed on time, the Timesheet will be rejected by the Bureau and the Manager will need to contact the HR office to set-up the HR record again and then resubmit the timesheet once this has been done. If the timesheet is rejected by the Bureau, the cost incurred is twice the cost of processing a correct timesheet.

**Rules are:**

* **All employees must have a contract of employment for the current work being undertaken.**
* **Dates on timesheet must reflect dates of work being done and should match contract confirmed by HR.**
* **Cost centre on timesheets must be the same as the one confirmed by HR.**
* **Hours must match contract confirmed by HR.**
* **Contract must be confirmed that it will be paid by timesheets rather than via monthly payroll.**
1. **Can TSS be used for Sick leave cover?**

Yes. Where an employee is engaged to cover an absence such as sick leave, we understand that such a requirement will require a timely turnaround. Whilst there should be no delay in engaging the replacement staff member, the issue may be in the payment timeframe, if their paperwork is not submitted by the 5th of the month prior to the work commences or the requirement arises after that date. In such circumstances, the individual will be paid in the following month. Such a delay would also arise where timesheets were previously used where the date for submission of timesheets had passed.

1. **Can TSS be used for Maternity Leave/Parental Leave cover?**

Maternity leave/Parental Leave cover should be advertised and recruited but if this is not possible, it ***may*** be possible, in certain circumstances, to hire TSS *solely for the teaching element of the post*. The TSS member should use materials provided by the regular incumbent of the post. It should also be clearly stated by the College what the difference is between the work to be done by the replacement and the substantive post holder.

1. **What happens if a TSS member is going on maternity leave? How do I cover this?**

This should be advertised and paid at point 6 of the grade 3 scale.

1. **What duties can TSS undertake?**

The duties that the employee is being engaged to undertake should be made clear on the contract set up form.TSS are typically engaged to deliver a particular teaching module on an undergraduate or postgraduate program or short-term and non-accredited programs. In addition, he/she may be required to undertake tutorials, demonstration or other related academic duties including assessment of assignments, examination correcting and/or student support. TSS can be employed to carry out up to a maximum of 9 contact teaching hours per week in the University during teaching semesters. Where blended teaching delivery is required, this can be stated on the form and advised to the employee by the hiring manager. NOTE: An individual should not be engaged as TSS if they are taking on the duties that are associated with a different post such as that of a lecturer, administrative, research or technical role.

1. **What are objective grounds and why are they so important?**

An objective ground would be considered as an objective ground for treatment in a less favourable manner (including the renewal of a fixed-term employee’s contract for a further fixed term), if it is based on considerations other than the status of the employee as a fixed-term employee and the less favourable treatment is for the purpose of achieving a legitimate objective of the employer and such treatment is necessary for that purpose. Some objective reasons for why a TSS post would be temporary would be as follows but not limited to:

* Specialist expertise which is not readily available within the University *in the short term* (we would expect that this would be very short term and pending the recruitment of a post)
* To cover short term staff absences, leave or temporary cover pending recruitment of a post
* To allow short term teaching/tutorial or demonstrating experience recent university graduates
* Temporary and unforeseen increases in workload or in response to an unplanned/unexpected situation and as a short-term contingency plan. Note: this can only be to cover an academic post, it cannot cover administrative or technical posts.
* Planned staffing requirements pending recruitment of a permanent post.

It is imperative that the TSS is undertaking the role that they were employed to do and not take on any other duties during the course of their contract.

1. **When does an employee gain entitlement to a Contract of Indefinite Duration?**

If an employee is employed on 2 or more successive fixed term contracts in continuous employment for a period of 4 years, then any attempt to give that employee a further fixed term contract is unlawful and void and the employee is entitled to a contract of indefinite duration. If the employer can justify the award of a further fixed term contract on objective grounds, then there is no breach of the Protection of Employees (Fixed Term Work) Act, 2003 and no entitlement to a contract of indefinite duration. The HR Office will consult with the Head of School/ Discipline/Unit as necessary. The contract which falls on the 4th anniversary of the appointment will become their Contract of Indefinite Duration.

1. **Can I submit a contract for the entire academic year even though the individual may only work in semester 1?**

If a TSS member works in Semester 1, their contract should reflect this. If they do not need access to IT services again until the end of the academic year because of autumn exams etc then their contract should reflect work done only in Semester 1 and another contract set up form must be submitted to HR for the autumn dates so that they can be reactivated on Core based on their contract dates.

1. **How do I calculate the cost of TSS?**

The [TSS Calculator](https://www.universityofgalway.ie/media/humanresources/publicdocuments/forms/TSS-Calculator--%28Mar-23%29.xlsx) (see image of same below) on the TSS website or the approval spreadsheet on your Discipline’s SharePoint site should be used to calculate the cost for TSS:



1. **Can the School engage staff on TSS contracts if they are employed full time elsewhere in the Public Sector?:**
2. The DPER advice is that no employee should be employed in the public sector on more than 1 FTE contract on a paid basis. For this academic year, we have made some minor concessions for programmes that have accreditation requirements, however going forward alternative arrangements will need to be made:
	* Permission will be required from both of the employers of the individual to ensure that neither role will be carried out during their regular working hours.
	* Where staff are employed in other public sector areas full-time, for this academic year only and pending alternative recruitment plans, limited engagement of such individuals is permitted and primarily in areas where there is an accreditation obligation.
3. In instances where a programme has engaged an individual who is employed full-time in the public sector they will need to have a conversation with their HR lead to develop plans to fill those posts in the next academic year. Only where we have exhausted all ways of filling the post can we submit a request to the Department for approval to engage an individual who is employed full time in the public sector. A business case, which covers the details of the post, information on the individual that they are looking to hire and the reasons why only this individual can do this cover should be submitted by uploading the case to the Discipline’s SharePoint site with the Contract set up form as per the usual deadlines for further approval by the DHR.
4. Regular advertising of positions to ensure that we are attracting the best and biggest field of candidates should be put in place. Only where we can show we have exhausted every effort to fill a post can we seek approval from the Department for engaging staff who are already full-time elsewhere.

**Categories:**

**Teaching Support Staff (TSS)** - is an employee who is hired to provide teaching support on a module of an existing programme. The employee is hired by University of Galway after an application and interview process results in his or her selection as an employee. The terms of an individual's employment are specified by an offer letter, an employment contract, or verbally. TSS can be hired for one, two or more hours.

**Subject Specialists** are individuals who are invited on an exceptional basis (not expected to return again) to speak to a group of university staff (lecturers/ researchers) or students on a complex/specialist topic that would be viewed as new or ground-breaking that may be tangentially related to a subject that is taught on an existing academic or research programme. It would not entail lecturing on a module of an existing University programme. These individuals would generally be non-Irish resident/ domiciled.

To provide their personal details and payment request they must use the Subject Specialist/Guest Lecturer Form (one form is used for the entire process). Accounts Payable / Payroll may process this payment depending on the person’s taxable status. HR do not require a contract for this work.

**A Guest Lecturer** is a highly skilled academic invited to give a lecture/talk/ seminar on a module of an existing academic programme in the University on an exceptional basis (not expected to return). They would not be considered an employee and should not be employed through a TSS contract.

To provide their personal details and payment request they must use the Subject Specialist/Guest Lecturer Form (one form is used for the entire process). Accounts Payable / Payroll may process this payment depending on the person’s taxable status. HR do not require a contract for this work.

If the individual fits the description of a Subject Specialist or Guest Lecturer and they carried out all their work outside of Ireland – then their fee is not taxable in Ireland and can be processed via the payroll office using the Subject Specialist/Guest Lecturer form. The form is designed to assist people to determine the correct payment process. The individual is responsible to declare these earnings to the Revenue in their home country for tax purposes.

1. **Can I employ someone as TSS if they are already working in the Private sector?**

Where possible, this should be avoided but if absolutely necessary and pending the recruitment of a post, it is permitted. The individual must confirm that they do not have a conflict of interest between their regular role in the private sector and the TSS role in University of Galway. They must also confirm that they have read and understand the Organisation of Working Time Act and that they will abide by same. The working hours of the individual should not exceed 48 hours per week between their two posts.

1. **Can I engage a Lecturer/Technical officer/Administrator to do TSS work?**

No. If we are engaging someone who is employed either in University of Galway or elsewhere as a Lecturer, we are engaging a certain level of expertise and then deciding to pay at a TSS level, it is in effect putting the University in a risk situation of a claim to be paid as a lecturer. The same rule applies to Technical Officer/Administrator grades.

1. **Can I engage someone who is retired?**

If it is absolutely necessary to take on an individual who is retired under extenuating circumstances and after all other avenues have been exhausted, this may be possible but it is important to consider the compulsory retirement age. This is the maximum age to which an employee may remain in their employment. A **business case** should be submitted for further consideration by the DHR in advance of the proposed employee commencing employment.

Public servants have different compulsory retirement ages depending on the date they joined the public service. The following compulsory retirement ages apply to most public servants, but do not apply to certain groups who, due to the nature of their work are required to retire early, for example, the Gardaí and the Defence Forces.

Public servants who joined the public service before 1 April 2004 have a compulsory retirement age of 70. Prior to 26 December 2018, this group had a compulsory retirement age of 65.

Public servants who joined the public service between 1 April 2004 and 31 December 2012 have no compulsory retirement age.

Public servants who joined the public service on or after 1 January 2013 have a compulsory retirement age of 70.

Read more about the [compulsory retirement age.](https://www.gov.ie/en/publication/294951-compulsory-retirement-age/)

1. **Can I employ a non-EEA individual as TSS if they don’t have a work permit?**

Only individuals who have a *valid* work authorisation can work in University of Galway. If you are planning to take on an individual who is non-EEA, they should not commence work until you have had sight of the work permit which is generally an IRP (Irish Residency Permit) card. A copy of both sides of the IRP card should be uploaded to the SharePoint site at the same time as the Contract set up form.

1. **When does a TSS member become pensionable?**

Pension only accrues for University of Galway staff who are set up on monthly pay and are over an FTE of .2.

1. **Are TSS entitled to Public Holidays/ Annual leave entitlements?**

**Annual leave:**

TSS members are entitled to 8% of hours worked as annual leave and this is included in their pay. TSS who are part time should take annual leave outside of their scheduled working days. They can be taken on non-working days or over Easter/Summer/Christmas. It may be possible to reschedule/substitute working days/take unpaid leave if leave required. This may be arranged at local level. Unpaid leave should be processed via HR. TSS who are full time (exceptional circumstances) should take their annual leave as a regular staff member.

Note: If they work full time in the same month as their part-time teaching work, then they are not entitled to annual leave pay of 8% and public holiday pay for this period as they receive their full entitlement on their full-time contract.

**Public Holidays:**

TSS are Part Time Employees and are entitled to be paid for a public holiday if they meet condition number 1 and either 2 to 4:

**1**. They have worked for University of Galway for at least 40 hours in the 5 weeks before the public holiday (All hours worked prior to the public holiday must be submitted to the Bureau in order for the Authoriser to approve the public holiday payment)

**2**. If the business is closed on the public holiday and an employee would normally be due to work, then they get their normal day's pay.

**3**. If the business is open and an employee works, he/she is entitled to either paid time off or an additional day's pay. The additional day's pay is what was paid for the normal daily hours last worked before the public holiday.

**4.** If an employee is not normally rostered to work, then they will be entitled to one-fifth of their normal weekly wage. ie. Paid 10 hours a week - public holiday pay is 2 hours x hourly rate

1. **Are TSS entitled to Sick Leave?**

TSS are entitled to sick leave as per the University of Galway Sick Leave Policy. If they are unable to work due to illness, on a day they were rostered to work, they should send in a Doctor’s certificate to hrsickleave@universityofgalway.ie for recording purposes. If they are paid via timesheets, they should submit timesheets for the days they were due to work but were on sick leave. They will receive payment for those days less any illness benefit received.

1. **Do I need to cancel contracts which don’t go ahead?**

It is imperative that, if a contract does not go ahead for any reason, the manager advises HR of same as we will need to cancel the HR record to avoid overpayment and report same to Revenue.

1. **What if a TSS member resigns?**

TSS members should give a minimum of 4 weeks’ notice if they wish to resign their post. Notice should be forwarded to the HR office at hrta@universityofgalway.ie as soon as possible, advising of the date of resignation and number of hours completed by the TSS member up to the date of resignation so that any adjustments to pay can be processed in a timely fashion.

1. **Important information in relation to Revenue and Social Welfare:**

When an employee is set-up on Core, their start date is reported to Revenue and Social Welfare and as per PAYE Modernisation, it is expected that payments will be reported every month for active employees.

If there are no payments submitted to Revenue and social welfare it affects their current employment status with both services and creates queries for the University about their employment (forms to be completed & tax will not be correct in other employments). It is therefore imperative that contracts are set up for the duration of the known working hours only.

* **Revenue requirement to end employees who are not being paid:** Revenue require that leave dates are submitted to Revenue with their final payment and if the leaving date is not known then we must end them if not paid for 3 months.
* **Taxed in the wrong year:** If an individual worked last year but is only paid this year - they are taxed in the wrong year for last year’s work which can result in higher tax deductions if the bulk of their payments is submitted at once rather than in the correct year.
* **Unknown if still employed:** When not submitting monthly timesheets the payroll team are not aware that the individual is still employed or ever was employed. Where an employee is not active, they will be ended on CORE.
1. **Further info on TSS and access to IT & Services:**

IT access is a big concern for employees to ensure they have access for the academic year. Ending their employment on Core will affect their IT access. We must base their end date on their latest timesheet processed but if timesheets are not submitted regularly, we may end them during their employment which may result in immediate loss of IT access (if latest work date recorded on Core is >120 days). Timesheets need to be regularly submitted as this informs us that the individual is still employed, and their leaving date will be recorded correctly.

1. **Why do all TSS need accurate HR records?**

**PRSI Record and Entitlements issue:**

If PRSI records are not accurate, it can affect their social welfare entitlements (maternity benefit, Illness benefit, OAP, etc.). A max of 52 PRSI weeks can be allocated to an individual’s payroll record in any one year. If a bulk payment is processed which also refers to payment for previous years, then there is a risk that the individual will lose PRSI weeks as the report to Revenue will not allow any individual more than 52 weeks in a year.

Ex. 1 Retired employees trying to claim old age pension who are now missing PRSI weeks that were not recorded correctly on timesheets.

Ex. 2 Maternity benefit payments could be lost due to incorrect dates and late submission of timesheets (PRSI recorded in the wrong tax year).

The Bureau will cross check the contract dates and cost centre recorded on the HR system with the timesheet. The hours on the contract will be recorded on the HR system so it is possible that cross checking could be done. However, it should not be necessary when managers are responsible for ensuring only the hours on the contract will be processed for payment.

1. **I have some Social Welfare forms for completion on behalf of a TSS member in my School, who completes these?**

These social welfare forms should be completed by the employee in the first instance before forwarding to the school admin for confirming it is correct, branding it and returning it to the employee. Some forms require input from HR (salary/PRSI/tax information) and in this instance, once the school has confirmed that the details are correct, the form can be forwarded to HR at hrta@universityofgalway.ie by the school for completion and branding before returning to the TSS member.

1. **How do I process Exam Corrections payments?**

This process is managed via the payroll office and is separate to the TSS process. More information available [here](https://nuigalway.ie/human-resources/recruitment-and-selection/recruitment-and-selection/teachingsupportstaff/).

1. **How do I engage External Examiners?**

The Exams Office manages the external examiners [process](https://www.nuigalway.ie/exams/staff-invigliators-external/).

1. **How do I engage Invigilators?**

Invigilators are recruited by the Exams Office via [Unijobs](https://unijobs.ie/). More information on this available [here](https://www.nuigalway.ie/exams/staff-invigliators-external/).

1. **How do TSS change their personal/payment details?**

If an employee needs to change any of their personal or payment details after their contract set up form has been submitted, they can email hrta@universityofgalway.ie from their University of Galway email address or they can submit an [Employee Record Form](https://www.universityofgalway.ie/media/humanresources/Employee-Record-Form.docx) to hrta@universityofgalway.ie