



Circular 0123/2006

To Boards of Management, Principal Teachers and Teaching Staff of Primary Schools

Organisation of Working Time Act, 1997 Public holiday Entitlements of Primary School Teachers

This circular sets out the public holiday entitlements

- under the above Act for teachers while job-sharing, on career break and on sick leave
- under the Maternity Protection (Amendment) Act, 2004 and the Adoptive Leave Acts 1995 (Extension of Periods of Leave) Order 2004 and 2005 while on unpaid maternity leave and adoptive leave and
- under the above Act for teachers on parental leave.

1. Job-sharing: (Please read additional note to Section 1 of the this circular – [click here](#))

Teachers are not required to work on a public holiday. A job-sharing teacher must have worked 40 hours in the 5 weeks prior to the public holiday in order to benefit from the provisions of the Organisation of Working Time Act, 1997 in respect of public holidays. In such instance, a job-sharing teacher is entitled to one day's pay at the job-sharing rate of pay or one day leave in lieu.

2. Career Break:

A teacher commencing a career break for the first time retains his/her public holiday entitlement until 13 weeks have passed. Under the provisions governing career breaks, a career break commences on 1 September and ends on 31 August of a school year. Consequently, a teacher going on career break with effect from 1 September is entitled to receive one day's leave in lieu on return from career break or one day's pay (at rate applicable at time of bank holiday) in respect of the October bank holiday which occurs within the first 13 weeks of career break. Please note this applies only in the first year of career break. In the event that a career break is sanctioned in exceptional circumstances by a Board of Management during the course of the school year, the teacher retains public holiday entitlement for the first thirteen weeks of career break. If a career break follows on immediately after any other absence, i.e., sick leave, maternity leave, etc., it is deemed to be one continuous absence and the teacher does not have separate public holiday entitlement for the first thirteen weeks of the career break

3. Sick Leave:

[Primary Circular 10/05](#) sets out a teacher's entitlement under this Act, i.e., a teacher who is absent from work on certified sick leave on a public holiday within the first 26 weeks of a sick leave period is entitled to leave in lieu in respect of the public holiday. The leave in lieu should be taken directly after the period of sick leave, or, as an exceptional measure, at a subsequent date with the agreement of the Board of Management. Please note that this entitlement does not apply if the period of sick leave extends beyond 26 weeks.

4. Maternity Leave:

Teachers on maternity leave are allowed paid leave in lieu in respect of school closures, including public holidays, subject to a maximum of 30 days. Paid leave in lieu is taken on completion of maternity leave.

Since 18 October, 2004 teachers on statutory unpaid maternity leave are entitled to paid leave in lieu in respect of public holidays occurring during the unpaid leave. Since that date also, teachers opting to take additional unpaid maternity leave to the end of the school year are entitled to paid leave in lieu for any public holiday occurring provided the additional unpaid maternity leave does not extend beyond thirteen weeks. See [Primary Circular 0091/2006](#).

5. Adoptive Leave:

Teachers on paid adoptive leave are entitled to paid leave in lieu in respect of school closures, including public holidays, subject to a maximum of 22 days. Paid leave in lieu is taken on completion of adoptive leave.

Since 19 November, 2005 teachers on statutory unpaid adoptive leave are entitled to paid leave in lieu in respect of public holidays occurring while on such leave. Since that date also, teachers opting to take unpaid adoptive leave to the end of the school year are entitled to paid leave in lieu for any public holiday occurring provided the additional unpaid adoptive leave does not extend beyond thirteen weeks. See [Primary Circular 0090/2006](#).

6. Parental Leave:

Teachers on parental leave currently receive entitlement to paid leave in lieu in respect of any public holiday occurring during the period of parental leave. The leave in lieu is taken at the end of the parental leave period ([Primary Circular 1/99](#)).

In order to assist teachers to determine eligibility for retrospective public holiday entitlement a list of the public holidays within the period 30 September, 1997 to 31 August, 2006 is attached at [Appendix A](#).

Please note that Public Holiday Entitlement in respect of

- ***Job-sharing, Career Break and Sick Leave are effective from 30 September, 1997***
- ***Statutory Unpaid Maternity Leave is effective from 18 October, 2004 and***
- ***Statutory Unpaid Adoptive Leave is effective from 19 November, 2005.***

Teachers who consider that they qualify for leave in lieu under the terms of this Circular should apply for approval to take this leave to the Chairperson, Board of Management. A substitute teacher may be employed by the Board of Management to cover the approved absence.

Teachers eligible for one day's pay in respect of public holiday entitlement should

apply in writing, through the Chairperson, Board of Management to the Primary Payments Section for this payment.

This Circular may also be accessed on the Department of Education & Science website at www.education.ie under Education Personnel/ Primary/ Circulars and Information Booklets.

Please note that queries regarding the Circular may be E-Mailed to primary_payments@education.gov.ie

Johnny Bracken
Principal Officer.
September, 2006.

APPENDIX A

<i>1997/98 School Year</i>	<i>1998/99 School Year</i>	<i>1999/00 School Year</i>
▪ 27 October 1997 (Monday)	▪ 26 October 1998 (Monday)	▪ 25 October 1999 (Monday)
▪ 25 December 1997 (Thursday)	▪ 25 December 1998 (Friday)	▪ 27 December 1999 (Monday)
▪ 26 December 1997 (Friday)	▪ 28 December 1998 (Monday)	▪ 28 December 1999 (Tuesday) ▪ 31 December 1999 (Friday)
▪ 1 January 1998 (Thursday)	▪ 1 January 1999 (Friday)	▪ 3 January 2000 (Monday)
▪ 17 March 1998 (Tuesday)	▪ 17 March 1999 (Wednesday)	▪ 17 March 2000 (Friday)
▪ 13 April 1998 (Monday)	▪ 5 April 1999 (Monday)	▪ 24 April 2000 (Monday)
▪ 4 May 1998 (Monday)	▪ 3 May 1999 (Monday)	▪ 1 May 2000 (Monday)
▪ 1 June 1998 (Monday)	▪ 7 June 1999 (Monday)	▪ 5 June 2000 (Monday)
▪ 3 August 1998 (Monday)	▪ 2 August 1999 (Monday)	▪ 7 August 2000 (Monday)

<i>2000/01 School Year</i>	<i>2001/02 School Year</i>	<i>2002/03 School Year</i>
▪ 30 October 2000 (Monday)	• 29 October 2001 (Monday)	• 28 October 2002 (Monday)
▪ 25 December 2000 (Monday)	• 25 December 2001 (Tuesday)	• 25 December 2002 (Wednesday)
• 26 December 2000 (Tuesday)	• 26 December 2001 (Wednesday)	• 26 December 2002 (Thursday)
▪ 1 January 2001 (Monday)	▪ 1 January 2002 (Tuesday)	• 1 January 2003 (Wednesday)
• 19 March 2001 (Monday)	• 18 March 2002 (Monday)	• 17 March 2003 (Monday)
• 16 April 2001 (Monday)	• 1 April 2002 (Monday)	▪ 21 April 2003 (Monday)
▪ 7 May 2001 (Monday)	▪ 6 May 2002 (Monday)	▪ 5 May 2003 (Monday)
▪ 4 June 2001 (Monday)	▪ 3 June 2002 (Monday)	▪ 2 June 2003 (Monday)
▪ 6 August 2001 (Monday)	▪ 5 August 2002 (Monday)	▪ 4 August 2003 (Monday)

<i>2003/04 School Year</i>	<i>2004/05 School Year</i>	<i>2005/06 School Year</i>
▪ 27 October 2003 (Monday)	▪ 25 October 2004 (Monday)	▪ 31 October 2005 (Monday)
▪ 25 December 2003 (Thursday)	▪ 27 December 2004 (Monday)	▪ 26 December 2005 (Monday)
▪ 26 December 2003 (Friday)	▪ 28 December 2004 (Tuesday)	▪ 27 December 2005 (Tuesday)
▪ 1 January 2004 (Thursday)	▪ 3 January 2005 (Monday)	▪ 2 January 2006 (Monday)
▪ 17 March 2004 (Wednesday)	▪ 17 March 2005 (Thursday)	▪ 17 March 2006 (Friday)
▪ 12 April 2004 (Monday)	▪ 28 March 2005 (Monday)	▪ 17 April 2006 (Monday)
▪ 3 May 2004 (Monday)	▪ 2 May 2005 (Monday)	▪ 1 May 2006 (Monday)
▪ 7 June 2004 (Monday)	▪ 6 June 2005 (Monday)	▪ 5 June 2006 (Monday)
▪ 2 August 2004 (Monday)	▪ 1 August 2005 (Monday)	▪ 7 August 2006 (Monday)

