



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

Office of the National Director of Human Resources
Health Service Executive
Dr. Steevens' Hospital
Dublin 8

All Queries to:

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HSE HR Circular 020/2013

**To: Each Member of Leadership Team, HSE;
Each Regional Director of Performance and Integration, HSE;
Each Assistant National Director of Human Resources, HSE;
Each Employee Relations Manager, HSE
Each CEO/HR Manager directly funded Voluntary Hospital / Agency**

From: Barry O'Brien, National Director of Human Resources

Date: 7th November 2013

Re: New Public Service Sick Leave Scheme – 1st January 2014

Dear Colleagues,

The new Public Service Sick Leave Scheme, which is provided for in Labour Court Recommendation No. **LCR20335**, is due to come into operation on 1st January 2014.

The introduction of the new scheme will require legislative provision. It is intended that the Public Service Management (Recruitment and Appointments) Amendment Bill 2013 will be amended to include a provision for the sick leave scheme. It is expected that this will be enacted before the end of the year.

Self-certified paid sick leave arrangements have already been introduced and are set out in HSE HR Circular 20/2012.

The following is an overview of the main provisions of the new sick pay scheme. You are now required to notify employees of the main provisions of the scheme as a matter of priority.

Current Arrangements

In accordance with the sick pay provisions under Department of Health Circular 10/71, an employee may receive up to a maximum of 6 months at full pay and 6 months at half pay, subject to an overall maximum of 365 days' paid sick leave, in a rolling 4 year period. The sick pay scheme for general support staff provides for 12 weeks' pay in a rolling 12 month period. The sick pay arrangements may vary in some organisations.



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All Queries to: Individual employees who have queries in relation to the application of this Circular must contact their local Employee Relations/HR Department

Queries from HR and Employee Relations in relation to the implementation of this Circular please contact: Corporate Employee Relations Services, HSE HR Directorate, 63-64 Adelaide Road, Dublin 2, Tel: 01-662 6966, email info.t@hse.ie

New Arrangements

The Labour Court Recommendation provides that employees who are absent on sick leave may receive up to a maximum of 3 months on full pay followed by 3 months on half pay in a rolling 4 year period. These new provisions will apply to all health service employees (both officer and support staff grades) and will supersede all existing arrangements.

Critical Illness Protocol

A critical illness protocol will be introduced and will provide that employees who are absent on sick leave and meet certain criteria may be granted 6 months on full pay followed by 6 months on half pay. This payment will be made in exceptional circumstances only. The total maximum period of payment, including rehabilitation pay, will not exceed 2 years. Details of how these provisions will apply are currently being finalised and will be available shortly.

Temporary Rehabilitation Pay

There will be provision for Temporary Rehabilitation Pay for a maximum period of 18 months following paid sick leave (a maximum period of 12 months will apply where the employee has received payment under the Critical Illness Protocol). Temporary Rehabilitation Pay will replace Pension Rate of Pay and will be payable where an employee has the required service to be eligible for ill health retirement. There must be a realistic prospect of a return to work.

Transitional arrangements

Employees who are absent on sick leave prior to 1st January 2014 and who remain absent when the new scheme comes into operation will continue to retain their existing sick pay entitlements. Once the employee returns to work, the new sick leave arrangements will apply to any future sickness absences which may arise i.e. the employee will be subject to the new overall limit of 183 paid sick leave days in a rolling 4 year period.

Employees whose sickness absence commences following the implementation of the new scheme on 1st January 2014 will be covered by the new sick pay provisions with immediate effect.

Notification to employees of changes

While all employees will be affected by the introduction of the new sick pay provisions, employees who already have a high incidence of sick leave over the last 4 years are likely to be affected more immediately.

As paid sick leave entitlements are calculated on the basis of a 4 year rolling period (i.e. counting backwards from the latest day of absence) the changes being introduced from 1st January 2014 may result in employees being placed on half pay on their next sickness absence if they have had more than 3 months absence on full pay in the previous 4 years.

Examples:

The following examples illustrate how the new scheme will operate.

Please note that there are two reference periods for determining whether the employee may receive sick pay: The first 'look back' is over a 4 year period to determine whether the amount of paid sick leave which the employee has received does not exceed 183 days in a rolling 4 year period. If the employee exceeds the 183 days limit, s/he will not be entitled to sick pay.

If the employee does not exceed 183 paid sick leave days there is a 12-month 'look back' to determine at what rate the sick leave should be paid: full or half pay. The new limit for entitlement to full pay is 92 days.

Where the employee has had less than 92 days they may be paid at full pay up to 92 days, with half pay for up to a further 91 days, subject to an overall limit of 183 days of paid sick leave in the rolling 4 year period.

Example 1:

An employee goes on certified sick leave on 3 February 2014 and resumes work on 17 February 2014 (absence of 12 days).

Her sick leave record is reviewed over the preceding 4 years to determine whether her paid sick leave is in excess of 183 days.

Counting back to 4 February 2010, it is established that she has used 90 days and therefore has access to a further 93 days paid sick leave.

The second 'look back' is over 12 months to 4 February 2013 to determine whether the employee is entitled to full pay or half pay. The employee is entitled to full pay if paid sick leave does not exceed 92 days in the rolling 12 month period. It is established that only 20 days sick leave were used and therefore she is entitled to receive full pay for the period of 12 days absence.

Example 2:

An employee goes on certified sick leave on 4 March 2014 and resumes work on 24 March 2014 (absence of 23 days).

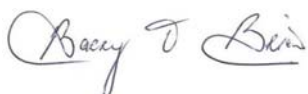
His sick leave record is reviewed over the preceding four years to determine whether his paid sick leave is in excess of 183 days. Counting back to 5 March 2010, it is established that he received 195 days' paid sick leave in the previous 4 years.

Under the new arrangements, the employee is deemed to have exhausted his entire sick pay entitlement (both full and half pay) as he is in excess of the new overall limit of 183 days.

A Circular setting out full details of the new sick leave scheme and how it will operate will be issued shortly.

In the meantime, please make arrangements to ensure that employees in your area of responsibility are notified of the new arrangements.

Yours sincerely,



Barry O'Brien
National Director of Human Resources