

Reference No: 27/09/1991 LP

Date: 27/09/1991

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Subject: Special Leave

Re: Special Leave for domestic reasons

Content:

Dear Personnel Officer

I refer to General Council Report 1219 and Circular 28/91 (copies attached) concerning the arrangements governing the grant of special leave to civil servants for domestic reasons.

It will be noted that in the course of the discussions at General Council, the Official Side undertook to write to Personnel Officers about the interpretation of "immediate relative" for the purposes of the domestic special leave provisions (paragraph 2(a) of General Council Report 1219 refers). The specific commitment given by the Official Side was that Departments/Offices would be advised that where an officer is cohabiting with a partner who is not the officer's legal spouse (i. e. a "common-law" wife or husband) an application for special leave in respect of the death or illness of that person should be dealt with on the same basis as a corresponding application in respect of an officer's spouse. Please arrange accordingly in so far as your Department/Office is concerned.

Any enquiries arising from this letter should be referred to this Department (ext 3539 or 3565).

Yours sincerely

W. Power

Principal

Personnel & Remuneration Division

Domestic/Social Purposes

Bereavement & Family Illnesses (Circular 28/91)

1. Special leave with pay may be allowed to an officer on the death of an immediate relative up to a limit of (a) 5 working days in the case of a spouse or child and (b) 3 working days in the case of other immediate relatives (i.e. father,

mother, brother, sister, father-in-law, mother-in-law). The circular provides that where exceptional circumstances apply leave may be granted in the case of more distant relatives and the prescribed limits may be exceeded.

2. In the event of the *serious and unforeseen* illness of an officer's immediate relative, special leave with pay may be granted up to the same limits as apply for bereavement, provided that the amount of special leave granted to an officer in anyone leave year, together with the officer's annual leave allowance (excluding carry-over leave) for that year does not exceed a total of 26 days. This overall limit does not apply in cases where the annual leave allowance of the officer concerned has been exhausted. Where an officer with an annual leave allowance of 26 days or more, has some annual leave remaining but this is insufficient to cover the period of illness of the relative, the remaining annual leave should be availed of before special leave is granted to cover a further period of absence.

3. It should be noted that while the limits on bereavement apply to each bereavement those applicable to family illnesses are annual limits: thus, an officer could, for example, get 6 days bereavement leave in a year but could not get more than 5 days for family illnesses.

4. Officers are not allowed to combine the provisions of different paragraphs so as to exceed the maximum limits allowed. However, where an officer receives leave in respect of a family illness and the relative subsequently dies, bereavement leave may be allowed up to the usual limits. On the other hand, we would not normally be disposed to granting family illness leave immediately following bereavement leave.

5. The maximum amount of leave allowable under any heading should only be granted where the circumstances warrant this course. In some cases it may be appropriate to allow a lesser number of days as a contribution towards the period for which the individual needs to absent themselves from work.

6. The main difficulty which has arisen with Circular 28/91 relates to the definition of "serious and unforeseen" illness. It should be noted, for example, that the terms of the circular are not intended to cover normal childhood illness, such as chicken pox and high temperature (officers would be expected to use their annual leave to cope with such eventualities). A copy of the general guidelines issued to Personnel Officers on 16 March 1993 are attached. Our general position is that decisions should be made by the employing Department/Office and we are not willing to consider appeals against such decisions in individual cases - we would only get involved if it appeared that a Department was misinterpreting the circular.

7. In the case of job-sharers, the full periods of bereavement leave may be allowed from the date of the bereavement, irrespective of the working pattern of the officer, eg. an officer following a week on/week off pattern of attendance who suffers a bereavement during the week on may benefit from the full period allowable to full time staff (if, on the other hand, the bereavement occurs at the start of the week-off, no leave would be granted). *This is as an exception to the normal special leave arrangements applicable to job-sharers.* In particular, the normal arrangements apply in the case of leave for family illness - for officers working day on/day off, each days absence reckons as two job-sharing days for the purpose of the 3 and 5 day limits.

8. Extensions beyond the 5 day limit for family illnesses have been allowed in exceptional circumstances, for example, a serious illness of a close relative (usually a child) requiring surgical treatment away from home (such as a transplant operation). Such additional leave has been granted on the basis of the extreme distress to the officer, the travel and financial strain and the financial difficulties for low paid staff. The maximum period allowed, even in these exceptional circumstances is 10 days.

9. An officer may be granted special leave without pay for domestic reasons subject to the following conditions and upper limits:

(a) 6 months to cope with difficulties arising from the death or serious illness of an immediate relative or care for an immediate relative during sickness or old age (provided no suitable person other than the officer is available to provide the care)

(b) 2 months to travel abroad to visit an immediate relative suffering from serious and unforeseen illness (provided the officer is the only person who can make the visit) or deal with urgent domestic affairs other than those referred.

The maximum period of six months may be extended in exceptional circumstances where the parent Department strongly supports the application and where there is medical support that the continued absence of the officer is essential or where it has become necessary for the officer to travel abroad with an ill relative undergoing treatment abroad.

10. Cases have arisen of officers seeking special leave to avail of medical treatment for themselves but such applications have been refused on the basis that it would contravene the sick leave regulations. There have, however, been cases where officers suffering from complaints which do not prevent them from

attending work or performing their duties effectively request leave for a short period to undergo some remedial treatment, usually abroad: special leave without pay in such cases has been granted for short periods only.

To accompany spouse abroad (E103/1/74)

11. Special leave without pay up to a maximum period of five years may be allowed to officers in order to accompany a spouse who is working abroad. Such cases normally involve officers whose spouses are also civil servants (or who are employed in other areas of the public sector) and who have either been posted abroad (in the case of Foreign Affairs staff) or who have secured appointments with the EC or other international organisations of which Ireland is a member. Officers have also been granted special leave where the spouse is employed by a private company, but this has usually involved only short periods of special leave - in other such cases the officers were encouraged to apply for career breaks.

12. Our general position is that the granting of such leave must be subject to some reasonable time limits and current policy is to seek to impose a maximum limit of five years - on the grounds that only five years is now allowed to officers who secure appointment with international organisations of which Ireland is a member.

Social Obligation

13. An officer whose annual leave allowance has been exhausted and who, in the last three months of the leave year, is faced with a compelling but unforeseen social obligation involving absence from duty may for this purpose be allowed to anticipate up to 2 days of his/her annual leave allowance from the following leave year. This facility may not be granted if the Head of the Department/Office concerned has reason to believe that the officer will not give sufficient future service to cover the annual leave which he/she wishes to anticipate.