



Circular Letter No. IT 02/05

To: The Director of each Institute of Technology The President of the Dublin Institute of Technology

Arrangement for partial resumption of duty by a lecturer In cases of serious illness/major surgery

1. Introduction

- 1.1 The Minister for Education and Science wishes to inform the management authorities of Institutes of Technology that, following discussions at the Industrial Relations Forum for Institutes of Technology, she has agreed to introduce an arrangement whereby a lecturer who is recovering from a particular prolonged serious illness or recovering from major surgery may, in certain circumstances, be permitted to partially resume duty for an agreed period of time. At the end of this period it is to be expected that the lecturer shall have reached a state of medical fitness sufficient to allow him/her to undertake full duties.
- 1.2 The term "lecturer" is used throughout this document as a generic term. Wherever the term occurs, it should be taken to mean any and all of the academic posts designated under the new structure as Assistant Lecturer, Lecturer, Lecturer (Structured), Senior Lecturer I, Senior Lecturer II and Senior Lecturer III as well as those designated under the old structure as College Teacher, Lecturer I, Lecturer II, Lecturer II (Structured), Senior Lecturer I and Senior Lecturer II.
- 1.3 This arrangement will apply in the case of permanent wholetime lecturers, temporary wholetime lecturers and certain part-time lecturers employed on pro-rata contracts for the full academic year. In the case of part-time staff the arrangements are confined to pro-rata Assistant Lecturers employed on a minimum of 9 hours per week and pro-rata Lecturers employed on at least 8 hours per week for the full academic year.
- 1.4 The arrangement will not apply to lecturers who have retired on health grounds.
- 1.5 In order to be eligible, a lecturer must have worked for a period of one continuous academic year with the Institute of Technology in one of the designated lecturing capacities listed in 1.2 above.

2. Basis of Arrangement

- 2.1 A lecturer who is undergoing treatment for a prolonged illness or medical condition or recovering from major surgery may, **provided the lecturer has not exhausted his or her entitlement to paid sick leave**, apply to participate in an arrangement for a partial resumption of duties in advance of being medically certified as fit to resume the full duties of the post held.
- 2.2 An arrangement for a partial resumption of duties shall in accordance with the Institute's official timetable,
 - i) normally commence at the beginning of an Institute term/semester and

- ii) normally not exceed one full Institute term/semester ***or shall not exceed the date on which the lecturer's entitlement to paid sick leave terminates, whichever comes first.***
- 2.3 A lecturer shall undertake to deliver class instruction to students, or such other appropriate contractual duties in accordance with the lecturer's official time-table and/or contract of employment, for not less than 8 hours per week for the period of the arrangement in the case of wholtime lecturing posts, or 50% of the normal lecturing and working week in the case of structured, Head of Department and Head of School and eligible pro-rata part-time lecturer posts.
- 2.4 A formal application to enter into an arrangement shall be submitted to the Human Resources Department/Personnel Office of the Institute in the first instance, where possible not later than four weeks in advance of the period to which it refers. The application shall be accompanied by a certified statement from a registered medical consultant, under whose supervision the applicant is undergoing treatment, which indicates the nature of the illness and certifies that the applicant is fit to resume duty in accordance with the terms of Par. 2.3, that such duty would be of therapeutic benefit to the applicant, and that there is a reasonable expectation that the applicant will be fit to resume full duty at the end of the specified period.
- 2.5 In considering an application for partial resumption of duty, the Institute shall have due regard to the requirements of the Institute in general. In this regard, the welfare and educational needs of the students shall take precedence over all other considerations. The Director shall have the right to refuse or withdraw approval of any arrangement for the partial resumption of duty where the best interests of the Institute and/or its students are deemed to be placed at risk by approving such an arrangement or by continuing such an arrangement.
- 2.6 Each approved arrangement shall be subject to review by the Institute at the end of each month, on receipt of the medical certification provided for in Par. 3.1, or sooner if circumstances so warrant it.
- 2.7 Where an Institute proposes to approve an application, it shall request the applicant to provide a comprehensive doctor-to-doctor report from his/her medical consultant for the information of the Institute's Medical Advisor. This report should be submitted to the Human Resource Manager/Personnel Officer in a sealed envelope marked "CONFIDENTIAL MEDICAL REPORT" for transmission unopened to the Institute's Medical Advisor.
- 2.8 The sanctioning by the Institute of any proposed arrangement shall be subject to the opinion of the Institute's Medical Advisor concurring with that of the applicant's medical Consultant in the matters of the applicant's fitness to resume duty and of the therapeutic benefit to be gained from the arrangement.
- 2.9 The Institute shall make known its decision on the application to the applicant as soon as possible after the report from its Medical Advisor has been received and considered.
- 2.10 Where an institute refuses to approve an application on grounds other than medical, the applicant may appeal the decision in writing to the Director/President of the institute.
- 3. Medical Certification**
- 3.1 A certified statement from a registered medical practitioner, under whose supervision the lecturer is undergoing treatment, must be submitted each month during the period of an approved arrangement. This certificate must indicate the nature of the illness and state that the arrangement for a partial resumption of duty is of continuing therapeutic benefit.
- 3.2 A medical certificate from the medical consultant must be submitted stating that the applicant is fit to resume full duty prior to the applicant returning to full duty.
- 3.3 Medical certification of absence owing to illness shall continue to be required in respect of absence from duty other than as sanctioned under an approved

arrangement. This certification must indicate the nature of the illness and the full period of absence.

4. Payment of Salary

- 4.1 A lecturer undertaking an approved arrangement for partial resumption of duty shall be paid salary and allowances at the appropriate current wholetime or pro-rata contract rate as appropriate until such time as that lecturer's allowance under the current concession on paid sick leave as applied in Par. 4.2 is exhausted.
- 4.2 Paid sick leave shall not exceed the limit of 365 days in any period of four years in the case of a permanent wholetime lecturer or 91 days in any one year in the case of a temporary wholetime or contracted part-time lecturer. In this regard, a lecturer undertaking an approved arrangement will be regarded as being on one half day's sick leave for each day of the period of the arrangement. However, each day of absence for reasons other than that to which the approved arrangement applies will reckon as a full day's absence.
- 4.3 All other conditions applying from time to time to paid absences from duty, whether owing to illness or otherwise, shall continue to apply to a lecturer participating in an approved arrangement.

5. Superannuation

- 5.1 Superannuation contributions will be deducted from salary payments made in respect of the period of the approved arrangement. The contributions will be based on the lecturer's salary. A lecturer in a wholetime post will, accordingly, be credited with full pensionable service in respect of the period of an approved arrangement. Similarly, the pensionable service during an approved arrangement of a lecturer in a pro rata contract post will be credited in accordance with the contracted hours.

6. Review of Scheme

- 6.1 The terms of this scheme may be reviewed after a period of two years at the IR Forum.

7. Dissemination of Circular

- 7.1 Copies of this circular should be made available to the appropriate representatives of lecturers for transmission to individual lecturers. The Circular may also be viewed on the Department website www.education.ie

8. Queries in Relation to this Circular Letter

- 8.1 Any queries in relation to this Circular Letter should be e-mailed to:- technology_training@education.gov.ie

Gerry Murray
Principal Officer

21st March 2005

cc Secretary/Financial Controller
Director of Finance DIT
Human Resources Manager
Mr. Joe McGarry, Secretary General Council of Directors
Mr. James Coyle, Senior Human Resources Executive, Council of Directors
Mr. Peter MacMenamin, TUI.