

Brainse an Iarbhunoideachais
An Roinn Oideachais agus
Eolaíochta,
Bóthar Phort Laoise,
An Tulach Mhór
Co. Uíbh Fhailí.



Post Primary Administration
Department of Education &
Science
Portlaoise Road
Tullamore
Co. Offaly

Chief Executive Officer
of each Vocational Education Committee.

21st April, 2006.

Circular Letter 0038/2006

EC Term Time Leave Scheme

Dear Chief Executive Officer,

I am directed by the Minister for Education and Science to say that, as part of Family Friendly and Work/Life Balance policies to help staff to combine their work with responsibilities and choices outside of the workplace, it has been decided to introduce a term time leave scheme for non-academic grades in the VEC sector. Details of the scheme are set out in the attached document.

The operation of the scheme is subject to the over-riding condition that the operating requirements of the VEC are not adversely affected. All applications to participate in the scheme must be considered in the context of the organisational needs of the VEC. In considering organisational needs, it may be necessary to limit the numbers who may participate in the Term Time Leave scheme. However, the VEC must make all reasonable efforts to accommodate requests from staff to participate in the scheme. It is important that both management and those participating in the scheme adopt a flexible approach to its operation.

All term time leave arrangements will apply on the basis that the VEC remains within the authorised whole time equivalent staff complement and operational requirements are not adversely affected.

Copies of this Circular Letter should be made available to VEC staff, as appropriate, in the normal way. This Letter has been published on the Web and may be accessed at www.education.ie.

Any enquiries, at VEC level, about the implementation of this Circular Letter should be made to Post Primary Administration section in Tullamore. (Tel: 0506-25406, Fax: 0506-25347). Personal enquiries from individual staff members should be addressed to the Human Resources Department/Personnel Section of the employing VEC.

J. Kelly
Post Primary.
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VEC Term Time Leave Scheme

Objective and Scope of the Term Time Leave Scheme

1. The Term Time Leave Scheme provides for unpaid leave for the purpose of allowing working parents or primary carers to match their working arrangements to the main summer holidays of their children, or to care for a family member who has a disability that gives rise to the need for care on a continuing or frequent basis. The period of term time leave shall be **unpaid special leave** (see paragraph 9).
2. The operation of the scheme is subject to the operating requirements of the VEC not being adversely affected. All applications to participate in the scheme will be considered in the context of the organisational needs of the VEC. In considering organisational needs, it may be necessary to limit the numbers who may participate in the Term Time Leave scheme or it may not be practicable to allow the scheme to operate in some areas. Similarly, where there are a number of applications from a particular work area it may be necessary to limit the number of participants in the scheme from that area, for that year. In this context it will be necessary to ensure that a balance is struck between the rights of those availing of the scheme and those not availing of the scheme.

The approval of the scheme may also be determined by the ability of the VEC to obtain replacement staff by way of temporary recruitment.

Applicants who are granted participation in the scheme this year may not automatically be granted participation in following years.

3. Under the terms of the scheme, the periods of special leave available are as follows:
 - a continuous period of thirteen weeks commencing the second week of June;
 - a continuous period of ten weeks from the end of June;
 - a continuous period of eight weeks during July and August

Persons applying to participate in the scheme will be required to state whether they wish to avail of a period of eight, ten or thirteen weeks special leave. **Applicants who are accepted for participation in the scheme will be required to confirm, in writing, that they wish to avail of eight, ten, or thirteen weeks special leave without pay. It will not be possible for a participant to withdraw or alter an application for the scheme once that undertaking has been given.** This commitment is essential to allow time for putting into place the special salary arrangements and the appointment of replacements. (See Paragraph 9)

Eligibility to apply for participation in the Term Time Leave Scheme

4. To be eligible to apply for participation in the Term Time Leave scheme, a person must:
 - (a) Be serving in the VEC with at least one year's continuous satisfactory service; and
 - (b) Have one or more dependent pre-school children or children attending primary, post primary, second level, vocational education or a special school and aged eighteen years or younger by 1 June in the year in which it is intended to participate in the scheme; or
 - (c) Be responsible for the care of a person with a disability that gives rise to the need for care on a continuing or frequent basis for the period of the leave.

Participants may be requested to present documentary evidence of meeting the eligibility requirements.

5. Participation in the Term Time Leave scheme is for the purposes outlined above, only, and may be terminated at any time during the period of special leave if a person engages in any other employment whilst on such leave.

During the period of special leave, a staff member will remain subject to the conditions and regulations governing his/her employment in the VEC with the exception of the sick leave scheme.

Annual leave and public holidays

6. The period of special unpaid leave provided for under the Term Time scheme is in addition to normal annual leave. Subject to the provisions of the Organisation of Working Time Act 1997, the annual leave allocation of a participant may be reduced to take account of the period of special leave. (See Appendix 1).
7. The entitlement of participants to the benefit of any public holidays falling within the period of the special leave will also be as determined by the provisions of the Organisation of Working Time Act 1997.
8. Subject to the discretion of local management, participants will not be granted leave (paid or unpaid) in the four weeks immediately prior to and following the period of term time leave. This restriction will not apply to leave such as maternity leave, adoptive leave or parental leave the granting of which is governed by statute or to sick leave or bereavement leave which will remain subject to the normal rules.

Arrangements for the payment of salary

9. As stated in paragraph 1, the period of term time leave is unpaid special leave. Applicants who participate in the scheme can apply to have their annual salary reduced as follows:
 - (a) Special leave without pay for a period of 8/10/13 weeks (i.e. no pay for the period).
 - (b) Reducing the annual salary by the 8/10/13 week period and spreading it over the full year.

If a person availing of these special administrative provisions avails of other unpaid leave during the twelve month period then the pro rata rate of salary will be adjusted accordingly. **Furthermore each participant is required to give an undertaking that any overpayment that may arise from their participation in the scheme would be repaid to the VEC at the earliest convenience but not later than the last day of the tax year, 31st December, unless otherwise agreed.**

Staff should note that, under PRSI rules, a person availing of term time leave is not earning during the period of leave and is not therefore making PRSI contributions.

10. It is the responsibility of the person availing of the Term Time Leave scheme to make arrangements to ensure that any voluntary contributions (e.g. health insurance, savings plans, etc.) normally deducted from salary continue to be paid.

Reckonable service

11. The period of special leave will reckon for the purposes of increments and seniority. The period of special leave will not reckon for pension purposes.

Sick leave

12. The provisions of the sick leave scheme will not apply to participants during the period of special leave.

Promotion

13. Participants in the scheme will continue to be eligible for promotion while on special leave, subject to eligibility criteria. An offer of promotion made to a participant during the period of special leave may, in certain circumstances, be conditional on the person resuming duty in the higher grade with immediate effect.

Filling of ensuing vacancies

14. If it is necessary to recruit additional staff to fill ensuing vacancies, the recruitment of staff on a temporary basis to replace staff in the Term Time Leave scheme should be in accordance with such agreed procedures as may exist with the relevant staff unions, from time to time, for the recruitment of staff to the sector.
15. All of the above arrangements will apply on the basis that the VEC remains within its agreed whole time equivalent staff complement.

Social Welfare – Family Income Supplement

16. A person in receipt of Family Income Supplement who intends to avail of term time leave is advised to contact the Department of Social, Community and Family Affairs to clarify his/her entitlements.

As participation in the term time leave scheme may affect a person's social welfare contribution record i.e. less than 52 contributions in a year, staff are strongly advised to check with the Department of Social, Community and Family Affairs prior to participating in the scheme to check the up-to-date position.

Application process

17. Applications for participation in the Term Time Leave scheme in any year should be submitted through the line manager to reach Human Resources Department/Personnel Section in accordance with local arrangements but normally no later than the 1st April of that year. Staff wishing to avail of the facility for spreading salary over the full year should apply again in accordance with local arrangements but normally before the 1st of November of the previous year.

Persons applying for the scheme must apply each year and it will be a matter for each VEC to decide, where numbers are limited, to give priority to staff that did not previously avail of term time leave. Where applications are being refused, the reasons for refusal must be set out. Human Resources Department/Personnel Section will notify applicants as to whether or not they are being offered the opportunity to participate in the scheme.

The VEC reserves the right to refuse some or all of the applications to participate in the scheme.

Queries

18. Any queries by individual staff members should be addressed to the Human Resources Department/ Personnel Section.

Review

19. The operation of the scheme will be reviewed after 2 years between the Trade Unions and the IVEA in consultation with the Department of Education and Science.

Appendix 1

Calculation of Annual Leave for Term Time Leave Scheme Participants

- 1) The Organisation of Working Time Act, 1997 provides that an employee who works at least 1365 hours in a leave year is entitled to an annual leave allowance of four working weeks (twenty days).
- 2) **Annual leave-Full time staff** – Staff serving in a full time capacity will, in the absence of any other additional unpaid leave, be entitled to at least twenty days annual leave in addition to the period of term time leave. However, there will be a reduction in the annual leave allowance, of those participating in the scheme that have an allowance in excess of twenty days, on a pro-rata basis, to reflect the period of special unpaid leave.

Annual Leave-Worksharing staff - Worksharing employees availing of the term time leave scheme will also have their annual leave entitlement calculated as per the provisions of the Organisation of Working Time Act (1997).

NB: For VEC staff working less than full-time, then annual leave should be calculated on the basis of actual hours worked.

The hours to be included in calculating holiday entitlement are as follows:

- All hours physically worked including overtime;
- All hours notionally worked e.g. 18 weeks maternity leave;
- All hours spent on annual leave

In calculating hours physically worked, time spent on lunch breaks is excluded.

- 3) Example: a person has an annual leave allowance of 26 days and avails of term time leave with no other special unpaid leave in the leave year:

8 Weeks	10 Weeks	13 Weeks
Annual Leave Reduction $8/52 \times 26 = 4$ days Annual Leave Allowance = 22 days	Annual Leave Reduction $10/52 \times 26 = 5$ days Annual Leave Allowance = 21 days	Annual Leave Reduction $13/52 \times 26 = 6.5$ days Annual Leave Allowance = 19.5 days. (If a person has worked 1365 hours in the year, the annual leave allowance is set at 20 days.)
Annual Leave Allowance 22 days	Annual Leave Allowance 21 days	Annual Leave Allowance 20 days

- 4) If participants of the term time leave scheme avail of further special unpaid leave during the leave year, the period of term time leave will also be taken into consideration in calculating the revised annual leave allowance for the year.

Appendix 2

Application for Term Time Leave – Summer 200_

1. Employee Details:

Name: _____	Section/Work Address: _____
Grade: _____	_____
Phone: _____	_____

2. Grounds for eligibility - [See Paragraph 4 of Term Time Leave Scheme]:

Child Dependent Details (Age 18 or Under)		
Child's Full Name	Date of Birth	School/College Details

Applicants may be required to submit birth certificates in respect of any or all dependent children mentioned above.

Family Member with a Disability
If, for the period of the Term Time leave, you are required to care for a person with a disability that gives rise to the need for care on a continuing or frequent basis, please supply details below.
Details of Family Member and Circumstance

3. Term Required:

I wish to avail of Term Time leave for:

- 13 weeks commencing in early June 200_ (specify date)

or

- 10 weeks commencing in late June 200_ (specify date)

or

- 8 weeks commencing in late June/early July 200_ (specify date)

4. Pay Arrangement:

I wish Term Time leave (which is unpaid leave) to be dealt with:

- on a no-pay basis, for the period of unpaid special leave.

Or

- by way of special arrangements whereby I will be paid pro-rata salary throughout the year
Commencing with the tax year 1st January 200?

Please state the address to which relevant pay slips should be sent for the duration of Term Time leave:

5. Employee Declaration:

I understand that should my application be successful, and I receive confirmation of this, that it will not be possible to withdraw or alter my application for the scheme once I have given an undertaking to participate. I am also aware that any overpayment, which may arise from my participation in the Scheme, will be repaid to the VEC not later than 31st December in the year the leave is taken.

I declare that all the information given in this application is true and complete.

Signed: _____ Date: _____

6. Recommendation by Head of Department/ Section

I recommend this application for Term Time Leave.

or

I do not recommend this application for Term Time Leave.

If an application is not recommended please indicate the reason(s):

Signed: _____ Date: _____

Grade: _____ Phone: _____