



Circular Letter 0079/2015

To: The Chief Executives of Education and Training Boards

**CAREER BREAK SCHEME FOR ALL STAFF OTHER THAN PERSONS EMPLOYED AS TEACHERS
AND SPECIAL NEEDS ASSISTANTS IN
EDUCATION AND TRAINING BOARDS**

The Minister for Education and Skills directs you to implement the regulations and procedures regarding career breaks for all eligible staff other than persons employed as teachers/special needs assistants (SNAs) employed in ETBs whose posts are wholly funded by monies provided by the Oireachtas.

The regulations and procedures outlined in this circular are to be implemented by each employer with immediate effect and all staff other than persons employed as teachers/SNAs must adhere to the terms of this circular.

This circular supersedes all previous circulars, memoranda, rules, regulations and arrangements in relation to career breaks for all staff other than persons employed as teachers/SNAs in ETBs.

Please ensure that copies of this circular are provided to all staff other than persons employed as teachers/SNAs in your employment including those on leave of absence.

Queries should be sent in the first instance to hr@etbi.ie for collation and forwarding to Department of Education and Skills where appropriate.

This Circular can be accessed on the Department's website under www.education.ie

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Career Break Scheme for all staff other than persons employed as teachers and SNAs

Definitions

For the purposes of this scheme the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

Career Break – means Special Leave without pay.

Employee – means a member of staff of an ETB other than persons employed as a teacher/SNA, who are in receipt of incremental salary under a permanent contract, contract of indefinite duration (CID), or fixed-term contract as defined in the Protection of Employees (Fixed Term Work) Act 2003.

Employer – means an Education and Training Board (ETB).

Independent Occupational Health Service (IOHS) – means the providers of independent medical advice on occupational health matters.

The Department – means the Department of Education and Skills.

1 Scope and Objectives of Scheme:

1.1 The scope of this scheme is limited to employees in posts wholly funded out of monies provided by the Oireachtas.

1.2 The main objectives of this scheme below, which are not exhaustive, is for employers, wherever possible to facilitate applicants in the areas of:

a)

- Family reasons
- Other domestic reasons
- Travel
- Educational purposes
- Public representation

b)

not less than six months and not more than three years for the purposes of taking up employment in the private sector or becoming self-employed

2 Policy:

2.1 Each employer, in consultation with staff, shall develop and maintain a policy statement specific to the needs of the organisation in relation to the approval of career breaks.

2.2 In drawing up this policy, the needs of the organisation shall take precedence over all other considerations. The sole discretion as whether to grant an application for a career break rests with the employer.

2.3 This policy, while taking account of the objectives of this scheme, shall have due regard to the capacity of the organisation to meet its obligations and shall therefore apply a reasonable limit to the number of staff that may be absent on career break at any one time.

2.4 Where an application for a career break is refused the employer must inform the applicant in writing setting out the grounds for such a refusal.

3 Correspondence Address:

3.1 The employer will address all necessary correspondence to the employee on career break at the address last notified by the staff member and no fault shall lie with the employer in the event that the employee does not receive such correspondence.

4 Duration of Career Break:

4.1 Eligible staff may in general, avail of three career breaks during their career subject to an overall maximum absence of 12 years in the course of his/her career.

4.2 A career break shall be a period of not less than 6 months and may be extended on an annual basis provided the total period of the career break does not exceed 5 years at any one time.

4.3 A subsequent career break may not be taken until the employee has served for a period equal to the duration of the previous career break.

4.4 The duration of a career break may not extend beyond:

- a) the termination of the contract or
- b) retiring age.

5 Eligibility:

5.1 An employee may apply for a career break where he/she will have satisfactorily completed, at the end of the year in which they are applying, 2 years of continuous service and satisfactory probation with the current employer. Continuous employment means working for the same employer without a break.

6 Operation of the Scheme:

6.1 An employee seeking a career break must submit a written application to the employer three months before the proposed start date of the career break. A late application may be considered by the employer in exceptional circumstances.

6.2 An employee who wishes to extend his/her career break must apply for this extension on an annual basis not later than two months prior to the expiry date of the career break.

6.3 Each application for a career break shall be considered on its own merits by the employer within the context of the organisation's policy statement. The decision of the employer shall be final.

6.4 Taking account of the extent of arrangements to be put in place by the employer to cater for the career break, the applicant shall not be permitted to withdraw his/her application less than one month prior to the start date of the career break. In exceptional circumstances the employer in its sole discretion may consider a later withdrawal of a career break application.

7 Working whilst on Career Break:

7.1 Where an employee proposes to change the purpose of their career break (e.g. a change from family reasons to taking up employment in the private sector) s/he must apply in writing to his/her HR Department requesting approval of the change.

7.2 The taking up of regular paid employment in an Oireachtas funded post shall lead to refusal of an application or withdrawal of approval already given.

8 Appointment of a Replacement:

8.1 Where a replacement is to be employed, the position must be filled in accordance with the appropriate sanction currently required to fill posts and with the current rules for recruitment.

8.2 Where a replacement is to be employed he/she shall be offered a contract which must state as an objective ground that the contract may be terminated in the event of the employee on career break leaving the employment for any reason (e.g. resigning, retiring) or resuming duty during the term of the career break.

8.3 Where a replacement is employed he/she will not attain any seniority.

9 Resumption of Duty following a Career Break:

9.1 To secure an offer of work, the employee must indicate at least two month before the end of his/her career break that s/he wishes to resume duty. However, it may not be possible to facilitate the resumption to duty of an employee on career break in a relevant grade for up to twelve months after the end date of the career break.

9.2 An employee resuming duty from career break may be required to:

- work different hours/work pattern than s/he had before s/he took the career break. This could include staff previously working work-sharing being offered a full time post.
- work in a different business area from that which s/he worked in prior to going on a career break

9.3 The terms and conditions of employees in general existing at the time of resuming duty shall apply to those resuming duty after a career break.

9.4 An employee resuming duty from a career break in excess of two years shall be screened by an Independent Occupational Health Service provider (IOHS). It is a prerequisite for the restoration of salary that the employee is deemed medically fit for duties by the IOHS before he/she is permitted to resume his/her post.

9.5 An employee resuming duty from a career break must comply with the vetting regulations in operation at the time of return.

10 Resignation while on Career Break:

10.1 An employee on a career break who wishes to resign from his/her post must notify the employer in writing in accordance with the employee's terms of employment.

10.2 In the event that an employee fails to resume duty at the end of an approved period of career break, incremental salary will not issue. The employer may initiate the appropriate action as outlined below:

10.2.1 The HR unit should make reasonable efforts to contact the employee on career break, in writing and by registered post, on two occasions outlining that s/he has not complied with the terms of the resumption of duty provisions of the career break scheme and that this will be considered to be notice of his/her resignation.

10.2.2 Where, following this, the employee continues to fail to comply with the resumption of duty provisions of the career break the HR Manager must write to the

employee formally setting out that s/he has now been deemed to have resigned from the organisation.

11 Increments and Pension:

- 11.1 A period of career break does not reckon for increment or pension purposes.
- 11.2 Pension contributions at full actuarial cost may be paid, either during the career break or following a resumption of duty. Further information on the purchase of notional service is available from the Pensions Unit of your ETB.

12 Social Welfare Entitlements:

- 12.1 The employee on a career break remains an employee of the employer for the duration of the absence and the absence does not constitute a break in service for PRSI purposes.
- 12.2 Employees seeking to maintain their Social Welfare entitlements during a career break should, therefore, contact the Department of Social Protection for advice prior to taking a career break.

13 Voluntary Deductions at Source:

- 13.1 Voluntary deductions from salary cease when an employee goes on career break. While an employee is on career break, details of the voluntary deductions will remain on his/her payroll record and therefore, any deductions in place prior to the employee's career break will recommence on his/her return to the payroll unless it has been end dated at the request of the employee involved via the deduction agency. The ETB will not make any deduction in respect of any accumulated unpaid amounts for the period of the career break.
- 13.2 Any outstanding balances owed by an employee participating in the Cycle to Work or the Travel Pass Scheme, or any other scheme must be cleared before commencing a career break.

14 Public Holiday Entitlements - Organisation of Working Time Act 1997:

- 14.1 An employee on career break retains an entitlement to salary payment for Public Holidays solely in respect of those occurring in the initial 13 weeks of the absence.
- 14.2 In the unusual event of a career break following immediately on another absence, the absence will be deemed to be one continuous absence and no entitlement additional to that gained by virtue of the initial absence will accrue to the employee in the first 13 weeks of the career break.

15 Compliance:

- 15.1 All employees must adhere to the regulations and procedures set out in this circular. Failure to abide with the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to the cessation of salary.

15.2 All documentation relating to career breaks must be retained by the employer with the relevant personnel records.

16 Further Information:

16.1 In accordance with the introductory paragraph the regulations in this circular are to be implemented by the employer. Thus all queries should initially be brought to the attention of the HR Unit in a staff member's ETB.