

**Reference No:** E104/1/77;     **Date:** 27/06/78

**Circular 25/1978:- Sick Leave**

A Dhuine Uasail

I am directed by the Minister for the Public Service to state that he has decided to consolidate the existing general instructions about the application of the civil service sick leave regulations to individual officers. This circular supplements the general instructions contained in the following:-

Circular 4/75     -     Maternity leave

Circular 25/75   -     Social Welfare (Occupational Injuries) Act, 1966 (Benefits and their effect on Sick Pay entitlement)

Circular 34/76   -     Clearance of candidates for promotion or establishment; sick absences and health considerations.

This circular and the three other circulars referred to contain all existing general instructions about sick leave.

Sick leave allowances

2.     The sick leave allowances for civil servants are set out in the attachments to this circular, as follows:

established staff                             Appendix A

temporary and unestablished staff        Appendix B

The grant of the sick leave allowable is subject to the provisions in the body of this circular and any special conditions indicated in the relevant appendix.

3.     Special sick pay conditions may be applied in respect of absence due to tuberculosis. Details are available in Personnel Branches.

Notification of sick absences

4.     When an officer is compelled to absent himself from duty because of sickness he must get word to his immediate superior as early as possible on the first day of absence. A written notice must also be sent to his immediate superior on the first day of absence.

5.     Medical certificates must in all cases of continuous absence be furnished on the third day at the latest. As a general rule, sick leave will not be allowed for a longer period than one week on any one certificate. Where, in the case of officers on a Monday - Friday week, sick absence extends from Friday to Monday inclusive, a medical certificate must be furnished. Each medical certificate submitted in support of an application for sick leave must be given by a qualified and registered medical practitioner and must state, in addition to the nature of the absentee's illness, the probable date of resumption of duty.

German measles

6.     Because of the increased number of married women now in the civil service, it is important that medical certificates submitted by officers on sick leave due to Rubella (german measles) should be

precise on this point. Also, officers who have been in close contact with a case of German measles (e.g. in the family) should notify their Personnel Branch immediately.

#### Tuberculosis

7. In cases of tuberculosis it is important that the officer should get the earliest possible treatment and also that he should have an adequate period of rest and treatment before resumption of duty. Any officer who has any suspicion that he may be suffering from tuberculosis should, therefore, in his own interests, consult his doctor without delay. If it is confirmed that he is suffering from tuberculosis he should at once, in the interests of his colleagues and of himself, absent himself from duty and should remain absent for as long as may be medically certified to be necessary.

#### General discretion of the Head of the Department

8. The responsibility for absencing himself from duty for the illness he reports must necessarily rest with the officer himself. It must, however, be clearly understood that the decision whether, in respect of such absence, sick leave is to be granted and whether it is to be with or without pay is a matter for the Head of his Department. The production of a medical certificate does not in itself entitle the officer to sick leave, the grant of which is a matter for the Head of the Department. Further, no officer has any claim whatever to be allowed the full periods of sick leave set out in this circular.

#### Uncertified sick absence

9. It must be emphasised that the arrangement under which an officer may be granted leave for one or two days without medical certificate, within a limit of seven days in the aggregate in any period of twelve months, is not to be regarded as a means of supplementing annual leave. There is reason to think that a misapprehension on that point has existed. Any case where the facts appear to show that an officer is resorting to single or two-day absences on that basis will be vigorously pursued.

10. In any case where there appears to be unduly frequent resort to sick absences without medical certificate, special note will be taken of the days of the week and dates in a month on which such absences occur and appropriate action will be taken. Where the absences continue to give ground for suspicion in this respect, special domiciliary visits by a medical officer will be considered and arranged if considered necessary.

11. If the report of the medical officer who has made a special domiciliary visit shows that the officer was not suffering from any illness justifying his absence from duty, the officer will be required to pay the fee of the medical officer and be subjected to such other disciplinary action as the circumstances may require. Absence on such an occasion will be regarded as grave misconduct liable to the most severe penalty.

12. If in any period of twelve months, reckoned from the date of the latest absence, an officer has been absent for five days of the plea of illness not covered by medical certificate, his attention will be drawn to the matter. In any case where the absences are unduly frequent or where the maximum of seven days allowable is regularly approached or taken year after year, the Head of the Department will consider, and decide at his discretion, whether the privilege of uncertified sick leave should be modified or withdrawn in that case.

13. All officers in charge of staff are reminded that no officer who appears to require medical attention should be allowed to remain on duty. It is the duty of each officer in charge of staff, guided by his personal knowledge of his staff, to take a particular interest in the case of any officer who seems to be resorting too frequently to single or two-day absences, e.g. by discussing with him on his return to duty whether the alleged cause of absence was sufficient ground for non-attendance, and by reminding him of the unfavourable consequences of such absences if they occur too frequently.

14. If an officer's sick absences call for notice, regard will always be had to his morning attendance record and his performance of work when on duty.

#### General

15. Officers are reminded that when they are being considered for confirmation of appointment (if they are on probation), for establishment (if they are unestablished) or for promotion, full account is taken of their health and of the extent and pattern of their sick absence. If any of these aspects is unsatisfactory the officer concerned cannot be accepted as suitable.

16. Officers should also be aware that Departments are under instruction to keep a check on the sick absences of staff, particularly those in the early years of service, with a view to identifying tendencies towards unacceptable patterns and taking steps to eradicate them.

#### Circulation

17. A copy of this circular should be given to every member of the staff and to each future entrant. Each officer should acknowledge, in writing, that he/she has received the circular and has noted its contents. The acknowledgement should be placed on the officer's personal file.

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John Mc Gartoll

### **Appendix A to Circular 25/78**

#### SICK LEAVE ALLOWABLE TO ESTABLISHED STAFF

##### General

1. Full pay during properly certified sick absence, provided there is no evidence of permanent disability for service, may be allowed up to a maximum of six months in one year and half pay thereafter, subject to a maximum of twelve months' sick leave in any period of four years or less.
2. Annual and special leave, and also public and privilege holidays (or days in lieu thereof), at the beginning or end of periods of sick leave, are excluded in the calculation of the period of six months' sick-leave, in the aggregate, allowable on full pay.
3. For the purposes of calculating the periods of sick leave on full and half-pay, six months and twelve months are, where sick absence is not continuous, reckoned as 183 days and 365 days, respectively, including Sundays and public and privilege holidays falling within a period of sick leave.
4. When sick pay has once ceased owing to the operation of the maximum limit it cannot be resumed during the same absence. Where during a particular absence an officer goes on half-pay or pension rate of pay, he cannot revert to full pay during the same absence. The continued grant of sick pay is dependent on the existence of a reasonable prospect of recovery.

##### Uncertified sick leave

5. Sick leave for single or two-day absences, in total not exceeding seven days in any period of twelve months, may be granted without medical certificate. If the number of days' absence without medical certificate in any period of twelve months, reckoning backwards from the date of the latest absence, exceeds seven in the aggregate, the excess will be deducted from the annual leave allowance

of the officer for the current leave year. If that allowance has been exhausted, the excess will be deducted from the annual leave allowance of the next succeeding year.

6. Days of sick absence not covered by medical certificate are included in calculating the total sick leave of officers in whose cases a reduction in sick pay becomes necessary.

Sick leave with pay at Pension rate

7. Where the sick leave with pay allowable (including the special sick pay on account of absence due to tuberculosis) has been exhausted an officer whose service would render him eligible for pension if he were retired on grounds of ill health at the end of the period of paid sick leave may, subject to certain conditions, be granted further leave with pay at pension rate.

Sick leave without pay

8. Subject to certain conditions, sick leave without pay may be granted to established officers who have exhausted the maximum period of sick leave with pay allowable to them and whose service does not qualify them for sick pay at pension rate.

#### **Appendix B to Circular 25/78**

#### **SICK PAY CONDITIONS FOR TEMPORARY AND UNESTABLISHED STAFF**

##### **General**

1. The sick pay conditions for temporary or unestablished whole-time civil servants are as follows:

Full pay (less appropriate deduction in respect of social welfare benefits) may be allowed during sick absence up to the following limits in any period of twelve months' service:-

- After 3 months' continuous service - up to 6 weeks
- After 6 months' continuous service - up to 9 weeks
- After 12 months' continuous service - up to 13 weeks

No sick pay will be allowed during the first three months' service but previous service, so far as it has been continuous, may be allowed to reckon towards the qualifying period for the grant of paid sick leave. Qualifying service is exclusive of any period of leave without pay.

2. Where service has been interrupted, the previous service will ordinarily not count towards the qualifying period, but the Head of the Department may, at his discretion, in special circumstances allow it so to count provided that

(a) the termination of the earlier period or periods of employment was not due to circumstances within the control of the officer concerned, e.g. that he did not resign his appointment

(b) the break between two successive periods of employment does not exceed 12 months.

3. Where previous service is counted under 1 or 2 towards the qualifying period, it will be reckoned also in applying the maximum limit of paid sick leave in any period of 12 months; for the latter purpose the last 12 months' service will be taken, previous service and service on re-allocation being reckoned as if they formed a single continuous period.

4. The grant of sick leave will be subject to the following conditions in particular that the absence is properly certified that there is no evidence of permanent disability for service.

5. When sick pay has once ceased owing to the operation of the maximum limit it cannot be resumed during the same absence. Unpaid sick leave does not count as service qualifying for further paid sick leave. The continued grant of sick pay is dependent on the existence of a reasonable prospect of recovery.

#### Uncertified sick leave

6. Sick leave for single or two-day absences in total not exceeding seven days in any period of twelve months may be granted without medical certificate. If the number of days' absence without medical certificate in any period of twelve months, reckoning backwards from the date of the latest absence, exceeds seven in the aggregate, the excess shall be deducted from the annual leave allowance of the officer for the current leave year and, if that allowance has been exhausted, from the annual leave allowance of the next succeeding year.

#### Sick leave without pay

7. Subject to certain conditions, sick leave without pay may be allowed to unestablished officers who (a) have exhausted the allowance of sick pay for which they are eligible or (b) are not eligible for the grant of sick leave with pay.

#### Posts and Telegraphs arrangements

8. The arrangements in this Appendix do not affect the position of staff covered by departmental sick pay arrangements of the Department of Posts and Telegraphs.