

Circular Title: Self-Certified Paid Sick Leave Arrangements

I am directed by the Minister for Public Expenditure and Reform to say that the following arrangements will apply in relation to access to self-certified paid sick leave arrangements. The commencement date for the arrangements is 1 November 2012.

Circular Number: 16/2012

Purpose: To set out the provisions for access to paid self-certified sick leave arising from Labour Court Recommendation No. LCR 20335.

Status: This circular revokes Paragraphs 5, 6, 8, 10, 11, 12 and 19 of Circular 9/2004, Paragraphs 5 and 6 of Appendix A of Circular 25/1978 and Paragraph 1 of Appendix B of Circular 7/1978 only in so far as those paragraphs and appendices relate to paid uncertified sick leave (hereinafter referred to as self-certified sick leave).

Circular Application: To All Staff

Relevant Employment Law/Circulars: Civil Service Regulation Acts 1956 - 2006
Payment of Wages Act 1991
Organisation of Working Time Act 1997

Effective From: 1 November 2012

Responsibility for Implementation: All civil servants

1. Introduction

The Civil Service is committed to providing efficient and well managed services. To achieve this, we need to minimise levels of absenteeism. The following arrangements in relation to self-certified sick leave are being introduced following Labour Court Recommendation No. LCR 20335.

2. Self-Certified Sick Leave

Where a civil servant is absent from work due to illness, but does not attend a doctor, such an absence will be classified as self-certified sick leave. Self-certified sick leave may not exceed two consecutive days on any one occasion. On return to work a civil servant must then self-certify that they were unfit to attend work due to illness. A certificate from a medical practitioner¹ is required where the absence due to illness is longer than two consecutive working days, or where it includes both Friday and Monday, spanning a weekend.

3. Provisions for Self-Certified Sick Leave

Sick leave for single or two day absences may be granted where a civil servant self-certifies that they were unfit for work due to illness. Such absences will not exceed 7 days in a rolling 24 month period.

Access to paid self-certified sick leave is a privilege which may be withdrawn in certain circumstances. (Examples of where access may be withdrawn include frequent absences, or where the maximum of 7 days is regularly approached or taken during any 24 month rolling period.)

4. 24 Month Rolling Period

The 24 month rolling period is calculated by working backwards from the latest date of absence (see examples in Appendix 1).

¹ Containing the medical practitioner's Medical Council registration number

5. Procedures for Self-Certified Sick Leave

The following procedures apply in relation to self-certified sick leave:

- A civil servant should inform his/her local manager/supervisor verbally within one hour of starting time on the first day of sick absence that they are unable to attend work due to illness.
- Immediately on return to work, a return to work form should be completed containing the self-certification statement of unfitness for duty by the civil servant. An example of such a return to work form is attached at Appendix II. Departments/Offices may have already developed their own return to work forms and these may continue to be used.

6. Excessive Self Certified Sick Leave

Where a civil servant exceeds 7 days' self-certified sick leave in a rolling 24 month period, the civil servant will be notified that his/her pay will be reduced accordingly and the appropriate sum recouped. Unpaid absences are not pensionable service.

7. Management of Sick Leave

Patterns of short term sick absences may relate more to problems concerning attendance at work than to health issues. Short term absence patterns should be monitored by local management with the support of the Human Resources Unit. In general, a Sick Leave Review Meeting should be held in cases where a civil servant's absence rate or pattern of sick leave is of concern. Where a civil servant has taken 5 days or more self-certified sick leave in any rolling 24 month period the Human Resources Unit should inform him/her of the number of days taken. Failure to comply with sick leave regulations is regarded as serious misconduct and the Disciplinary Code may be invoked.

8. Implementation

The new arrangements apply to all civil servants who take self-certified sick leave from, and including, the commencement date of 1 November 2012. The rolling period will count back initially from the commencement date to 1 January 2012. Any self certified sick leave taken after the commencement date will count back to 1 January 2012 until a

full 24 month period is reached. Thereafter the count back is over a rolling 24 month period.

These revised paid self-certified sick leave arrangements should be brought to the attention of all staff. Staff should be alerted to the fact that any period of self-certified sick leave in excess of 7 days in the relevant period will be an unpaid absence from duty. Civil servants should address queries in relation to this Circular to the Human Resources Unit in their own Department/Office.

Patricia Coleman
Director

22 October 2012

Appendix I

Implementation of the new arrangements

Example 1

On 1 November 2012 a civil servant applies for a day's self-certified sick leave. The HR Unit examines the sick leave record counting back to 1 January 2012. The civil servant has had 4 days' self-certified sick leave in the period 1 January to 1 November 2012. Therefore the civil servant may be given access to a day's self-certified sick leave on 1 November. A letter should issue informing the civil servant that 5 days' self-certified sick leave have now been taken.

Example 2

On 3 December 2012 a civil servant applies for 2 days' self-certified sick leave. The HR Unit examines the sick leave record counting back to 1 January 2012. The civil servant has had 6 days' self-certified sick leave in the period 1 January 2012 to 3 December 2012. Therefore the civil servant may only be permitted access to one day's self-certified sick leave, the other day is an unpaid absence.

Example 3

On 3 January 2013 a civil servant applies for a day's self-certified sick leave. The HR Unit examines the sick leave record counting back to 1 January 2012. The civil servant has had 2 days' self-certified sick leave in the period 1 January 2012 to 3 January 2013 and therefore may be given access to paid self-certified sick leave.

Example 4

On 24 April 2013 a civil servant applies for 2 days' self-certified sick leave. The HR Unit examines the sick leave record counting back to 1 January 2012. In that period of 16 months the civil servant has had 8 days' self-certified sick leave – 7 paid and 1 unpaid absence. There can be no further access to paid self-certified sick leave until such time as any application for paid self-certified sick leave results in a count back of less than 7 days sick leave in the period back to 1 January 2012.

Example 5

On 30 June 2013 a civil servant applies for a day's self-certified sick leave. The HR Unit examines the sick leave record counting back to 1 January 2012. In that period the civil servant has had 6 days' self-certified sick leave. Access may be granted to one day's self-certified sick leave.

The rolling 24 month period will be calculated in accordance with Paragraph 4 of this circular, i.e. it is calculated from the latest absence working backwards over a 24 month period. Therefore:

Example 6

On 4 January 2014 (i.e. when a full 24 month period has passed since 1 January 2012) a civil servant applies for 2 days' self-certified sick leave. The HR Unit examines the sick leave record counting back for a 24 month period from the latest date of absence, in this case 4 January 2014. The count back will be to 5 January 2012.

Notification of Sick Leave Absence

[Please note that this form must be completed in full by all members of staff for each period of absence on sick leave]

Name _____

PPSN _____ Group & Personnel No _____

Office Address _____

I work fulltime / I am worksharing (*circle as appropriate*)
If you are worksharing, please state your percentage attendance (ie 50%, 60%) _____

I was absent on Sick Leave on the following date(s): (*please state clearly the dates on which you were absent*)

I resumed duty on: Mon/Tue/Wed/Thur/Fri (*circle as appropriate*) Date: _____

Nature of illness: _____

or

I have informed the Human Resources Unit/EAS/CMO² (confidentially) directly of the nature of the illness

Where more than 2 consecutive working days

I enclose a doctor's certificate / I have sent a doctor's certificate directly to the Human Resources Unit(*circle as appropriate*).

For civil servants who are on Class A PRSI

I enclose an MC1/MC2 Form, authorised by my doctor / I have sent an MC1/MC2 Form, authorised by my doctor, directly to the Human Resources Unit(*circle as appropriate*).

Signed: _____

Dated: _____

Name of Supervisor _____

Supervisor's signature _____

Dated: _____

² EAS: Employee Assistance Service
CMO: Chief Medical Officer