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To: All Personnel Officers

Difficulties caused to staff, on official business and otherwise, who were stranded abroad when flights were cancelled due to volcanic activity

Dear Personnel Officer

The Department of Finance is aware of the difficulties caused to staff, on official business and otherwise, who were stranded abroad when flights were cancelled due to volcanic activity in Iceland. We appreciate that the situation caused problems for those staff who may have found themselves without a means of returning to Ireland.

This Department, on an exceptional basis and in the light of the difficulties caused, has decided that the following arrangements may apply for staff affected.

1. Officers on official business abroad

Subsistence, at the appropriate rate for the location, should be paid for the period the officer was absent abroad, provided accommodation and meals were not provided by a third party e.g. airline, and provided the costs of accommodation and meals were incurred. The receipted cost of alternative travel should be recouped. Other related reasonable incurred costs should be paid where receipts are provided (credit card bills will suffice).

We are endeavouring to find out from KMT if the insurance policy will pay any expenses for officers stranded on official business and a separate note will issue on this.

Club Travel should be asked to seek refunds for refundable flights not taken. Departments should also seek to recoup accommodation and other costs from the relevant

airlines caused by the grounding of flights (it is understood that receipts will be required from the officers concerned). Any claims other than those outlined above should be brought to the attention of the Department of Finance at Travel.Policy@finance.gov.ie;

2. Officers on annual leave abroad

A number of options are suggested to assist officers who may have been abroad on annual leave when flights were grounded due to volcanic activity in Iceland.

It is considered that where staff affected have carried over annual leave, this should be used first for absences where staff were stranded abroad (it is appreciated that this changes the normal sequence in which annual leave, including carried over annual leave, is taken). If carried over annual leave is not available then the following options should be considered provided they are consistent with the business needs of the department.

Annual leave

(i) Circular 27 of 2003 is the relevant circular with regard to the provision and taking of annual leave in the civil service. As noted above, it is proposed that where officers have carried over annual leave, under the carry-over provisions in the circular, such officers should be required in the first instance to take the carried over annual leave to cover the period they were absent from work.

(ii) Applications for annual leave for the period in which the officer was stranded should be granted.

Special leave without pay

(iii) Applications for special leave without pay for the period in question, from staff who were stranded abroad due to volcanic ash, should be granted. Section 5 of the Payment of Wages Act 1991 sets out the terms and conditions that must be met before deductions can be made from the wages of employees.

Flexi Leave

(iv) In the context of the flight disruptions, the flexi-system may be used as a means to assist staff in balancing their flexi-clocks to account for any lost working days.

It would be possible for staff to work up flexi-hours in the coming weeks as a means of off-setting the work days they will have missed during the situation. Although the current limit of flexi-time carry-over is generally 11.5 hours, it would be possible for staff to work up hours in excess of this figure in any four week flexi-period and have their clocks adjusted - by means of the 'Flexi Adjust + -' facility - in order to work down the hours missed during the current situation. It should also be borne in mind that the hours being missed are Core Time, which means that individual working days currently being lost are comprised of four hours of Core Time per day. Therefore, for example, where a staff

member had missed some 5, 7, or 10 days, they would need to work up either 20, 28, or 40 hours on the Flexi-Clock in order to rectify the loss of Core Time.

Whilst it is essential that such arrangements would adhere to the provisions of the Organisation of Working Time Act 1997 and the Safety, Health and Welfare at Work Act 2005, it would be possible for staff members to work up - of their own choice - those hours necessary, in a suitable timeframe to enable them to compensate for the working days lost. Such arrangements may be agreed at a local level between staff and their supervisors.

Such arrangements may be agreed as a once-off response to an unusual and unprecedented situation.

3. Managers are asked to be flexible in their approach on this issue. Officers may apply a combination of any of the above options if they wish.

4. *Force Majeure* Leave and Sick Leave

You will be aware that under the Parental Leave Acts, an officer may be granted leave with pay for urgent family reasons owing to the injury or illness of an immediate relative. This is known as *Force Majeure* leave. As entitlement to *Force Majeure* leave is limited to circumstances where the immediate presence of the officer is indispensable, at the place where an ill or injured relative is situated, it does not apply to a situation where the officer has been stranded abroad.

Departments have the authority to seek medical certificates for casual sick leave and to refuse payment for sick leave where it is considered that such leave is not bona fide.

Brendan Duffy
Assistant Secretary