



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Stiúrtóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8
Office of the National Director of Human Resources
Health Service Executive
Dr. Steevens' Hospital
Dublin 8

All Queries:

Queries from HR and Employee Relations in relation to the implementation of this

Circular should be referred to: Corporate Employee Relations Services, HSE HR

Directorate, 63/64 Adelaide Road, Dublin 2.

Tel: (01) 6626966; Email: info.t@hse.ie

Individual employees who have queries in relation to the application of this Circular must contact their local Employee Relations/HR Department.

HSE HR Circular 020/2012

31 October, 2012.

To: Each Member of Management Team, HSE
Each Regional Director of Operations, HSE
Each Regional Assistant National Director of Human Resources, HSE
Each Employee Relations Manager, HSE
Each CEO HR Manager, directly funded Voluntary Hospital/Section 38 Agency
Each CEO & HR Manager, Intellectual Disability Sector
Each CEO & HR Manager, Specialist Agencies

Re: Self-Certified Paid Sick Leave Arrangements

1. Introduction

The health service is committed to delivering an efficient and high quality service to patients and clients. In order to achieve this objective, health service employers and employees need to ensure that high standards of attendance are maintained.

New arrangements for access to paid self-certified sick leave have been agreed for all employees in the public and civil service arising from Labour Court Recommendation No. LCR20335. This provides that employees may be granted up to a maximum of 7 days' self-certified sick leave in a rolling 24 month period.

This circular sets out the provisions for self-certified sick leave which applies to all health service employees with effect from **1st November 2012**.

2. Self-Certified Sick Leave

Where an employee is absent from work due to illness but does not attend a registered medical practitioner, such an absence will be classified as self-certified sick leave. Self-certified sick leave may not exceed two consecutive days on any occasion including where it spans a weekend (in the case of employees who work Monday to Friday), rest day(s) or a public holiday.

e.g. Employee who works Monday to Friday

if an employee is absent due to illness on Friday, off on Saturday and Sunday (rest days), and returns to work on Monday, this counts as one day of absence and Friday is classified as a self-certified sick leave day. If the employee remains absent due to illness on Monday, this counts as four days of sickness absence and a medical certificate is required for the period. In the case of an employee who is at work on Friday and absent due to illness on Monday, this counts as one day of absence and is classified as a self-certified sick day.

e.g. Employee who works a '5 over 7' roster

If an employee is absent on Tuesday due to illness, rostered off on Wednesday and Thursday, and returns to work on Friday, this counts as one day of absence and Tuesday is classified as a self-certified sick leave day. If the employee remains absent on Friday (next scheduled working day), this counts as four days of sickness absence and therefore a medical certificate is required for the period.

On return to work an employee must attend a return to work meeting and submit a self-certification form to their supervisor/manager (**Appendix 1**).

A certificate from a medical practitioner (containing his/her medical council registration number) is required where the absence due to illness is longer than two consecutive working days.

3. Provisions for Self-Certified Sick Leave

Paid sick leave for single or two day absences may be granted where an employee 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 by the Department Head in certain circumstances. For example, in cases where frequent absences are being taken or the maximum of 7 days is regularly approached or taken during any 24 month rolling period the Department Head may withdraw access to paid self-certified sick leave.

4. 24 Month Rolling Period

The 24-month rolling period is calculated by working backwards from the latest date of absence.

5. Procedures for Self-Certified Sick Leave

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

- An employee is required to inform his/her local manager/supervisor prior to normal starting time (or in accordance with local policy) on the first day of sick absence that s/he is unable to attend work due to illness.
- On return to work, an employee is required to attend a return to work meeting with his/her supervisor/manager and must submit a self-certification form. A sample self-certification form is attached at Appendix 1.

6. Excessive Self-Certified Sick Leave

Where an employee takes more than 7 days of self-certified sick leave in a rolling 24 month period s/he should be informed in writing that any such period is an unpaid absence from duty and a recoupment from salary shall be made. Unpaid absences do not count as pensionable service.

7. Management of Sick Leave

Managers are responsible for monitoring the level and frequency of absenteeism within their departments and addressing short term absence patterns with the support of HR. Where an employee's attendance record gives cause for concern, a meeting will be held with the employee.

Where an employee has taken 5 days or more self-certified sick leave in any rolling 24 month period s/he will be informed of the number of days taken.

Failure to comply with sick leave regulations may result in the disciplinary procedure being invoked.

8. Implementation

The new arrangements apply to all employees who take self-certified sick leave from, and including, the commencement date of 1st November 2012.

The following transitional arrangements will apply:

(i) Employees who have had rolling arrangements previously (i.e. Officer Grades)

The rolling period will count back initially from the commencement date to 1st January 2012. Any self-certified sick leave taken after 1st November 2012 will count back to 1st January 2012 until a full 24-month period is reached. Thereafter the count back is over a full rolling 24 month period.

(ii) Employees whose access to self-certified sick leave was previously calculated on the basis of the calendar year

The rolling period will count back initially from the commencement date to 1st August 2012. Any self-certified sick leave taken after 1st November will count back to 1st August 2012 until a full 24-month period is reached. Thereafter the count back is over a 24 month rolling period.

Appendix 2 sets out a number of examples.

The revised arrangements in relation to self-certified sick leave should be brought to the attention of all employees. Employees 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.

Please bring this Circular to the attention of all relevant staff within your area of responsibility.

Yours sincerely

A handwritten signature in black ink, appearing to read "Barry O'Brien", is written over a horizontal line.

Barry O'Brien
National Director of Human Resources

Appendix 1

Sample Form for Self-Certification of Sickness Absence

Health service employees may be granted up to a maximum of seven days self certified sick leave in a rolling 24-month period (***note: the form may be adapted to reflect the transitional arrangements outlined in Section 8 of the Circular***).

Self-certified sick leave may not exceed two consecutive working days (this includes where the absence spans a weekend, rest day(s) and a public holiday).

Where an employee exceeds the 7 days/ self-certified leave in a rolling 24 month period, s/he is required to provide a medical certificate for all future absences. If the employee fails to provide a medical certificate, the day(s) of sickness absence will be **unpaid**.

This form is to be completed immediately on return to work in respect of each day(s) of self-certified sickness absence and given to your Line Manager.

Employee Name: _____

Employee No: _____

Job Title: _____

Department: _____

Outline the nature of the illness/injury which rendered you unfit to attend work.

or

I have informed the Occupational Health Department (confidentially) directly of the nature of the illness: _____

Date(s) of absence: _____

I reported that I was unable to attend work to _____ (Name)

at _____ (time) on _____ Date

DECLARATION

I confirm that I have taken self-certified sick leave on the above mentioned date(s) as I was unfit for work due to illness/injury. I declare that the information given above is true and complete.

Signed: _____

Date: _____

To be completed by Line Manager

Total number of days of self-certified sick leave taken in the count back period preceding the absence(s): _____

Signed: _____

Date: _____

Appendix 2

Implementation of the new self-certified sick leave arrangements

The following examples illustrate how the transition phase to the new arrangements will apply. Each example sets out two scenarios to demonstrate how the arrangements will apply to the following:

- (a) Employees who have had rolling arrangements previously (i.e. Officer Grades)
- (b) Employees whose access to self-certified sick leave was previously calculated on the basis of the calendar year

Example 1

(a) On 1st November 2012 an employee applies for a day's self-certified sick leave. The manager examines the sick leave record counting back to 1st January 2012. The employee has had 4 days' self-certified sick leave in the period 1st January 2012 to 1st November 2012. Therefore the employee is permitted access to a day's self-certified sick leave on 1st November 2012. The employee should be notified that 5 days' self-certified sick leave have now been taken.

(b) On 1st November 2012 an employee applies for a day's self-certified sick leave. The manager examines the sick leave record counting back to 1st August 2012. The employee has had 4 days' self-certified sick leave in the period 1st August to 1st November 2012. Therefore the employee is permitted access to a day's self-certified sick leave on 1st November 2012. The employee should be notified that 5 days' self-certified sick leave have now been taken.

Example 2

(a) On 3rd December 2012 an employee applies for 2 days' self-certified sick leave. The manager examines the sick leave record counting back to 1st January 2012. The employee has had 6 days' self-certified sick leave in the period 1st January 2012 to 3rd December 2012. Therefore the employee is only permitted access to one day's self-certified sick leave. The second day of sickness absence is unpaid.

(b) On 3rd December 2012 an employee applies for 2 days' self-certified sick leave. The manager examines the sick leave record counting back to 1st August 2012. The employee has had 3 days' self-certified sick leave in the period 1st August 2012 to 3rd December 2012. Therefore the employee is permitted access to two days' self-certified sick leave.

Example 3

(a) On 3rd January 2013 an employee applies for a day's self certified sick leave. The manager examines the sick leave record counting back to 1st January 2012. The employee has had 2 days' self-certified sick leave in the period 1st January 2012 to 3rd January 2013 and is therefore permitted access to paid self-certified sick leave.

(b) On 3rd January 2013 an employee applies for a day's self certified sick leave. The manager examines the sick leave record counting back to 1st August 2012. The employee has had 2 days' self-certified sick leave in the period 1st August 2012 to 3rd January 2013 and is therefore permitted access to paid self-certified sick leave.

Example 4

(a) On 24th April 2013 an employee applies for 2 days' self-certified sick leave. The manager examines the sick leave record counting back to 1st January 2012. In that period of 16 months, the employee has had 8 days' self-certified sick leave (7 paid and 1 unpaid absence). The 2 days' self-certified sick leave are therefore unpaid.

(b) On 24th April 2013 an employee applies for 2 days' self-certified sick leave. The manager examines the sick leave record counting back to 1st August 2012. In that

period of 9 months, the employee has had 6 days' self-certified sick leave. Therefore the employee is only permitted access to one day's self-certified sick leave. The second day of sickness absence is unpaid.

Example 5

(a) On 30th June 2013 an employee applies for a day's self-certified sick leave. The manager examines the sick leave record counting back to 1st January 2012. In that period the employee has had 6 days' self-certified sick leave. The employee may be permitted access to one day's self-certified sick leave.

(b) On 30th June 2013 an employee applies for a day's self-certified sick leave. The manager examines the sick leave record counting back to 1st August 2012. In that period the employee has had 5 days' self-certified sick leave. The employee may be permitted access to one day's self-certified sick leave.

Example 6

(a) Employees who have had rolling arrangements previously (i.e. Officer Grades):
As and from 1st January 2014, the rolling 24 month period will be calculated in accordance with Section 4 of this circular, i.e. it is calculated from the latest absence working backwards over a 24 month period.

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

(b) Employees whose access to self-certified sick leave was previously calculated on the basis of the calendar year

As and from 1st August 2014, the rolling 24 month period will be calculated in accordance with Section 4 of this circular, i.e. it is calculated from the latest absence working backwards over a 24 month period.

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