

Managing Attendance & Sick Leave Policy



Policy owner: UCD HR

Approval date and body: UMT, 27 February 2024

1. Purpose

Effective attendance management is essential to the organisation of a high quality and cost effective university. The purpose of this policy is to set out UCD's commitment to supporting employee wellbeing and welfare as part of its overall managing attendance policy; with a view to assisting all employees to fulfil their contractual obligations and to render regular and efficient service, leading to the achievement of university goals in line with UCD's Strategic Plan. UCD is committed to maintaining the safety, health and welfare of employees while at work and doing all that is reasonably practicable to assist those who are absent from work due to injury or ill-health to return to work as soon as possible.

The objectives of this policy are as follows:

- To provide practical guidance to Heads of School/Units/Line Managers on promoting a positive culture of attendance in the workplace and managing sickness absence
- To clarify the role and functions of the Occupational Health Provider and the Employee Assistance Programme
- To clarify the roles and responsibilities of all employees, Heads of School/Units/Line Managers/Sick Leave Administrators and UCD Human Resources in the effective implementation of this policy
- To set out UCD's sick leave arrangements

2. Scope

This policy is applicable to all permanent and temporary employees in UCD.

3. Principles

UCD's Managing Attendance & Sick Leave Policy demonstrates the university's commitment to employees' health and welfare at work, specifically outlining the university's managing attendance and sick leave policy in this regard.

UCD operates a sick pay scheme for employees that are absent due to injury or ill-health. The continuing provision of UCD sick pay arrangements is conditional on all employees complying with this policy and cooperating with any measures to facilitate their return to work.

Heads of School/Units & Line Managers have a key role in managing attendance and their responsibilities include: communicating the importance of regular attendance to all employees; addressing issues which may be adversely affecting employees' motivation to attend work; managing health and safety; monitoring and recording attendance; ensuring compliance with the sick leave arrangements and dealing with those whose attendance record is unsatisfactory in a fair and consistent manner.

All sick leave must be recorded for all employees without exception on Core Time & Attendance/People XD and no other alternative or local system of recording such leave is acceptable.

3.1 Responsibilities for Notification Requirements

On the first day of illness, an employee who is absent from work through illness must notify their Head of School/Unit/Line Manager as early as possible before their scheduled commencement of duty and on the third working day must forward a medical certificate to him/her for recording and subsequent transmission to HR. An email or text to a line manager containing a photograph of the certificate is acceptable pending the original being updated on your CORE HR/People XD account on return to work.

3.2 Absenteeism/Punctuality

Regular attendance and good time-keeping are an essential part of the smooth and effective running of the University. An employee's immediate Supervisor/ Head of School will monitor attendance and time-keeping. All absences from work should be authorised by the University. Where absence is due to illness, procedures as outlined above for sick leave will apply.

It is the policy of UCD HR to advise on the absence records of all employees, where known. Where an employee is absent for a continuous period of 4 weeks or on an intermittent basis, it is considered appropriate to refer them to the University's Occupational Health Provider for professional advice on their fitness to work. This is done in the best interests of the employee concerned.

All employees must comply fully with this policy in order to avail of sick pay arrangements.

4. Roles and Responsibilities

Regular attendance of employees is essential in order to deliver an efficient and high quality service. It is very important therefore that employees and management ensure high standards of attendance at work. This section clarifies the roles and responsibilities

of employees, Heads of School/Units/Line Managers/Sick Leave Administrators and UCD Human Resources in the effective management of attendance; and sets out the functions of service providers.

4.1 Employees:

- To provide regular and efficient service
- To minimise absences arising from accidents and ill health at work by complying with the Health & Safety Statement available on the SIRC webpage www.ucd.ie/sirc and taking reasonable care of their own safety and that of others
- To comply with all provisions of the Managing Attendance & Sick Leave Policy which include:
 - To notify the appropriate Head of School/Unit/Line Manager directly or in accordance with local arrangements as soon as possible before normal/scheduled starting time if you are going to be absent.
 - To maintain regular contact during extended periods of absence to keep the Head of School/Unit/Line Manager advised of progress and likely date of return
 - To submit medical certificates to the Head of School/Unit/Line Manager as and when required. The duration of the medical certificate must be specified and follow up medical certificates submitted on a weekly basis unless otherwise advised.
 - To participate in a return to work follow up with their Head of School/Unit/Line Manager following each episode of sick leave absence
 - To cooperate fully with rehabilitative measures to facilitate his/her return to work as soon as he/she is capable of doing so.
 - To claim any relevant illness benefit through completion of social welfare forms within 6 weeks of becoming ill.

4.2 Head of School/Unit/Line Manager

- To promote a positive attendance culture in the workplace by communicating the importance of regular attendance, fostering teamwork and fostering a dignity at work environment for all employees
- To communicate HR policies (such as Dignity at Work and the Grievance Procedure) and deal promptly with issues which may affect an employee's motivation to attend work e.g. alleged bullying/harassment, grievances
- To familiarise themselves with best practice management guidelines in relation to managing attendance
- To manage health and safety in the workplace
- To ensure that employees are familiar with the sick leave procedure
- To ensure a Sick Leave Administrator or self is responsible for sick leave in the department / unit / school.
- To ensure compliance with the notification and certification requirements and ensure submission of certificates and forms to HR are being completed by the Sick Leave Administrator.
- To ensure that where employees take more than the seven day limit of self-certified leave, any such period will be considered an unpaid absence from work and UCD HR

should be informed that a recoupment from salary needs to be made, unless a medical certificate is provided to cover the period of absence

- To ensure all employee absences are recorded without exception and in a timely manner on Core Time & Attendance/People XD.
- To maintain contact with the employee during extended periods of absence
- To liaise with UCD HR in relation to the services provided by the university's Occupational Health Provider where it is believed that health related matters are affecting the employee's work or work is affecting the employee's health
- To carry out a follow up with the employee after every episode of absence. To carry out informal discussions where the employees attendance record is giving cause for concern with and advise him/her of the required improvements
- To invoke the disciplinary procedure where appropriate
- To access the InfoHub summary on the amount of Social Welfare Illness Benefit being claimed in their area to ensure employee compliance.
- To ensure HR are informed of any Sick Leave Administrator who leaves the University or changes role within.

4.3 UCD Human Resources:

- To provide advice and support to Heads of School/Unit/Line Managers in the monitoring and management of sickness absence; in particular, specific guidance can be sought from the HR Partner in your area
- To help monitor the effectiveness of the Managing Attendance & Sick Leave Policy and ensure that it is being applied consistently throughout the organisation
- To work with Heads of School/Units to help assist in identifying where improvements can be made
- To liaise with the Occupational Health Provider and Heads of School/Unit/Line Managers in the case of UCD HR/Safety Office referrals to Occupational Health and advise on the implementation of recommendations arising from medical assessments
- To collaborate with Occupational Health Providers/Health and Safety Unit and the Employee Assistance Programme Providers to develop initiatives to promote a safe and healthy working environment

4.4 Occupational Health Provider (a medical doctor who is registered by the Irish Medical Council in the specialist division of Occupational medicine). (Please see our website for details of the Occupational Health Providers for UCD):

Available to employees following referral by UCD HR or the SIRC

- To carry out pre-employment medical assessments
- To provide advice on any health related matter which is affecting the employee's work or the impact of work on the employee's health
- To advise about the employee's fitness to undertake his/her full range of contracted duties and to make recommendations on measures to assist the employee to return to work as quickly and safely as possible

- To advise on the employee's fitness to undertake modified or alternative duties, if possible and as appropriate
- To advise managers and individuals about any areas of support for health-related problems which may be affecting employment

4.5 Sick Leave Administrators (SLAs)

- Responsible for ensuring all sick leave absences notified to them are recorded on the Core Time & Attendance system.
- Timely communication to sickleave@ucd.ie with details of sick leave recorded and supporting documentation where relevant.

4.6 Employee Assistance Programme:

4.6.1 To provide a confidential and professional support and advisory service to assist employees who are experiencing personal difficulties or need information on the range of services available

4.6.2 To refer employees to sources of specialist advice or support where appropriate.

5. Ordinary Sick Leave Entitlements

5.1 If you are an employee absent from work on sick leave you may have access to paid sick leave, subject to the limits that are set out below.

The scheme provides for:

- A maximum of 66 days sick leave on full pay in a year
- Followed by a maximum of 65 days sick leave on half pay
- Subject to a maximum of 131 days paid sick leave in a rolling four-year period.

Inclusive in this scheme is a provision for:

- A maximum of 7 days self certified sick days in a rolling 24 month period. The rolling 24 month period is calculated by working backwards from the latest date of absence.

5.2 How is the rate of pay determined?

In order to determine your rate of pay two reference periods are considered, this is known as "Dual Look Back"

Step 1: Determine whether the individual has access to paid sick leave

The individual's sick leave is reviewed over the 4 year period from the current date of absence. If 131 days paid sick leave have not been exhausted over that 4 year period, access may be granted to paid sick leave.

Effective 4th September 2023, all periods of full pay, half pay and Temporary Rehabilitation Remuneration should be included in the look-back when calculating an individual's access to paid sick leave. Periods of nil pay should be excluded from the look-back.

Step 2: Determine whether full pay, half pay or TRR apply

If step 1 indicates that the individual has access to paid sick leave, their sick leave record is then reviewed over the 1 year period from the current date of absence to determine the rate at which sick leave may be paid. If the initial 66 day limit at full pay has not been exhausted, full pay may be awarded until the limit of 66 days is reached. Thereafter, the amount paid will be calculated based on half pay or TRR, as appropriate.

5.3 Sick Leave and Probation

During probation employees have a sick leave entitlement up to a maximum of 17 days at full pay and 16 days at half pay in any twelve-month period.

Following successful completion of the probationary period this entitlement increases, based on an employees individual contract, to a maximum of 66 days at full pay and 65 days at half pay in any rolling four year period. Pro rata entitlements apply to part-time employees and to those on contracts of less than 4 years duration.

Example: An employee on a three year contract will be entitled to 49 days sick leave at full pay and 49 days sick leave at half pay at the commencement of the second year of their three year contract.

5.4 Sick leave and Part-time employees

Regular part-time employees are those who (under the terms of the Worker Protection Act, 1991) have been in continuous employment for the same employer for thirteen weeks. This category has a pro-rata sick leave entitlement similar to that outlined above.

5.5 Pregnancy Related Provisions

Special protections apply to employees who experience illness due to pregnancy.

Where an employee is absent due to pregnancy-related illness, and is within the ordinary sick leave thresholds, payment will be made under ordinary sick leave arrangements. If, however, they have already exhausted access to full and half pay, they will continue to receive half pay for the duration of that absence. The intention here is that employees should not receive less than half pay whilst absent with a pregnancy related illness. These specific extended periods at half pay will not count towards sick leave thresholds.

Where an employee subsequently goes absent with a non-pregnancy related illness, and has already exhausted access to full pay and half pay, they may be credited back any days taken as pregnancy related illness in the last four years at half pay. This is subject to the overall sick leave limits.

6. Long Term Sick

- Long term sick absence shall be defined as any absence of 20 consecutive working days or more.
- Regular contact should be maintained between employees and their line manager during any extended periods of sick leave and ongoing medical certificates should be submitted with line managers always being informed of an employee's progress and likely return to work date.
- During long term sick, UCD reserves the right to request an employee to attend a meeting with the university occupational health provider (CHI) at any time.
- On return from a long-term sick absence a fitness to work certificate is required.
- Where an employee is deemed medically unfit to work in the longer term they may be referred to UCD's Occupational health provider to consider retirement on ill health grounds. They may be entitled to certain pension benefits under the relevant pension scheme rules or social protection benefits.

7. Temporary Rehabilitation Remuneration (TRR)

Following periods of sick leave there will be a provision for Temporary Rehabilitation Remuneration for individuals who need a longer period of time to address their health needs and who have accrued two years' service.

(For those with more than one period of employment in the Public Service, the service requirement can be satisfied by aggregating these multiple periods, as long as there is no break in service of 26 weeks or more).

TRR is also only payable on condition that there is a reasonable prospect of the employee returning to work following their illness. This may require UCD requesting an employee to attend a meeting with a specialist occupational health advisor.

If you have exhausted 131 days paid sick leave in a rolling 4 year period and are absent on sick leave again, you may be granted Temporary Rehabilitation Remuneration for a further 392 days.

The waiting period for payment of TRR after full and half rates of sick pay have been exhausted will be three days and the rate of TRR payable will be 37.5%.*

The three day wait does not apply in the following instances:

- Where the employee transitions from full pay or half pay to TRR during an ongoing absence, or
- Where the absence occurs under the provisions of the Critical Illness Protocol (CIP)

Please note the flat rate of 37.5% is inclusive of illness benefit and therefore you must apply to the Department of Social Protection and mandate an Illness Benefit payment back to UCD. Failure to do so may be subject to disciplinary action.

****For employees whose rate is higher than 37.5% there is an opportunity to retain current arrangements for a transitional period***

8. Critical Illness Protocol (CIP)

8.1 Purpose and Conditions of Payment

8.1.1 It is recognised that public service bodies, as employers, need to continue to provide support for their employees who may be incapacitated as a result of critical illness or serious physical injury. Therefore when an individual becomes incapacitated as a result of critical illness or serious physical injury, and has supporting medical evidence for an extended period of sick leave, the individual may, on an exceptional basis, be granted paid sick leave extended as follows:

- A maximum of 131 days on full pay in the previous rolling one-year period, (counting from the latest day of absence).
- Followed by a maximum of 130 days on half pay in the previous rolling one-year period (counting from the latest day of absence).
- Subject to a maximum of 261 days paid sick leave in the previous rolling four-year period.

8.1.2 The granting of exceptional extended paid sick leave is a decision of Management having considered the occupational medical advice.

8.1.3 These arrangements will exclude individuals whose illness relates to an occupational injury/illness and who have access to an occupational injury/illness scheme.

8.2 Criteria for Award of Extended Paid Sick Leave

8.2.1 In determining whether an individual may be granted access to exceptional extended paid sick leave the following criteria apply:

8.2.2 The employee should ordinarily be under the current or recent clinical care of a consultant either as an inpatient or outpatient. This excludes employees attending primarily for report preparation or medico legal purposes.

8.2.3 The case must be referred by the employer to its Occupational Health Service for medical advice. It is a requirement of the sick leave scheme that all employees cooperate and engage with an Occupational Health Physician. The employee may or may not be required to attend for a medical assessment and/or arrange for the transmission to the OHP (by the employee's attending doctor) of a comprehensive doctor to doctor report.

8.2.4 The responsibility lies with the employee to furnish any treating doctor's medical reports requested within an appropriate time-frame to avail of the exceptional extended paid sick leave. A treating consultant's specialism must be appropriate to the critical illness for which the employee is making a claim.

8.2.5 The Occupational Physician, from the employer's Occupational Health Service, will advise whether, in their opinion, the following criteria are met:

i. The employee is medically unfit to return to his or her current duties or (where practicable) modified duties in the same pay grade

ii. The nature of this medical condition has at least one of the following characteristics:

(a) Acute life-threatening physical illness

(b) Chronic progressive illness, with well-established potential to reduce life expectancy[1]

(c) Major physical trauma ordinarily requiring corrective acute operative surgical treatment

(d) In-patient hospital care of ten consecutive days or greater[2]

8.2.6 The Occupational Physician will consider the information provided by the treating doctor, and may confer with them with consent if they feel this would be helpful. It is not an absolute requirement that a definitive final diagnosis has been made. The Occupational Physician may accept a presumptive diagnosis on a case by case basis.

[1] In circumstances where there is no medical intervention

[2] In the case of pregnancy-related or assisted pregnancy-related illness, the requirement for hospitalisation often consecutive days will be reduced to two or more consecutive days of in-patient hospital / clinic care.

8.3 Decision Award Extended Paid Sick Leave

8.3.1 The decision on whether to award extended paid sick leave is a HR management decision having consulted with the relevant line manager. Whilst management must primarily consider the Occupational Medical advice, management should consider all the circumstances of the case.

8.3.2 Thus, although an employee may not meet the medical criteria outlined above, HR management may still make a decision to award in exceptional circumstances.

8.3.3 In exercising this discretion management must demonstrate the reasons why they are awarding an extended period of paid sick leave although the individual does not meet the requirements set out at 8.2.5(ii) above. In this regard management should establish the following:-

- that there are exceptional circumstances; and
- that those exceptional circumstances relate to the illness, injury or condition of the person; and
- that those exceptional circumstances warrant the granting of the extended paid sick leave.

When determining if there are exceptional circumstances which warrant the award of CIP based on management discretion all sources of information should be considered including:

- The occupational Physicians report
- the individual's sick leave record
- the potential impact of an early return on the workplace efficiency and effectiveness
- if it has not been possible to make an accommodation to facilitate the return to work of a person with a disability-related illness or condition[3]
- any other relevant information from a HR perspective or from the individual

Management should also confer with the Occupational Physician in such cases.

8.4 Appeal of the Medical Decision

8.4.1 The advice of the Occupational Physician may be appealed to either a single appeal Specialist Occupational Physician or a panel of Specialist Occupational Physicians.

8.4.2 In the case of an appeal to a single Specialist Occupational Physician, an individual may arrange to meet with the Specialist Occupational Physician on the basis of an appropriate cost sharing arrangement to be determined within each sector.

8.4.3 The final decision on any appeal lies with UCD having considered the medical advice.

[3] Management is required in the case of an employee with a disability-related illness to take all reasonable steps in terms of making an accommodation to facilitate the employee's return to work consistent with, for example, specialist occupational health advice and service requirements.

8.5 Appeal of the Management Decision

8.5.1 If the employee wishes to appeal the management discretion decision, the UCD Grievance procedure should be used.

8.5.2 Should there be a delay[4] in the employer referring an employee to the Occupational Health Service of the organisation, or a delay[5] in being seen by this Occupational Health Service, there will be no financial loss to the employee if they are later awarded the exceptional extended paid sick leave. Where, in these circumstances, an employee moves on to half pay and it is later found that access to exceptional extended paid sick leave should have been granted, pay will be restored appropriately.

8.6 Return to Work

8.6.1 There will be no financial loss to an employee in circumstances where the employee has fully engaged with the process around the management of sick leave and their own consultant has certified fitness to return to work, but the employee has not been able to return to work because there is a delay in the employer referring the employee to the

Occupational Health Service of the organisation, or a delay in being seen by this Occupational Health Service. Pay will be restored appropriately.

[4] *Where the delay is of a duration in excess of the period of time currently allowed for a referral to an Occupational Physician*

[5] *Where the delay is of a duration in excess of the normal waiting time to be seen by an Occupational Physician*

9. Other Provisions

9.1 Exceeding Sick Leave Limits

Where an employee exceeds the limits as set out under section 5, 7 and 8 of this policy, they will be notified that their pay will be reduced accordingly. If an overpayment arises as a result of sick leave, this will be addressed in accordance with your contract of employment.

9.2 Travelling abroad whilst sick

The approval of the line manager / HR must be sought prior to an employee travelling abroad while on sick leave. The line manager / HR may seek the view of the Occupational Health Provider before deciding on the matter.

9.3 Sick Leave and Annual Leave

It is not permitted to take annual leave in place of sick leave. However, an employee may be given access to sick leave should they fall ill whilst on annual leave. This would be on condition of a medical certificate being provided. Self certified sick leave may not be granted during a period of annual leave.

9.4 Reporting of Sick Leave

UCD has procedures in place to report and monitor and analyse patterns of sick leave.

All employees can view their own record of sick leave on InfoHub under HR / my details / sick leave profile. A detailed statement of all sick leave absences will be supplied to each employee on request.

9.5 Correspondence Address

UCD will address all necessary correspondence to the employee at the email / home address last notified and uploaded on the HR system (PeopleXD). UCD will not accept responsibility in the event that the employee does not receive such correspondence.

9.6 Compliance

Failure to abide by the above policy and procedures will be dealt with under the agreed disciplinary procedure and may be subject disciplinary up to and including dismissal.

10. Policy Review

There will be a review of the operation of this policy as and when required.

11. Related documents

Further information on sick leave, related policies and procedures can be found on the UCD HR website at www.ucd.ie/hr/leave/

Version history

Version	Date	Description	Author
3.1	December 2011	Policy Versioning implemented	UCD HR
4.0	January 2013	Policy updated: Sections 4.2, 5.1 and 5.2 Section 7 days maximum uncertified leave in a rolling 24 month period	UCD HR
5.0	March 2013	Clarification to section 5.2 regarding 7 days self-certified leave on a pro rata basis for Temporary/Fixed Term Employees on contracts of less than 2 years	UCD HR
6.0	May 2013	Section 5.1 and 5.2: clarification in relation to the consequences of not producing a cert once the 7 days self-certified leave limit has been reached and clarification on Pensionability of sick leave.	UCD HR
7.0	September 2013	Section 4.3 amended to take account of HR restructuring	UCD HR
8.0	September 2014	Policy Redrafted as a result of changes to the scheme as directed by DES. Also includes changes to recording of sick leave from 7 to 5 days and the requirement on day 3 of illness.	UCD HR
9.0	July 2020	Policy moved to new template, formatting changes	S Raleigh, UCD HR
10.0	May 2021	New HR website page inserted	P. Fitzgerald, UCD HR
11.0	October 23	Revisions as per IA report recommendations	E. Hassett, UCD HR