



Circular 0023/2007

To the Management Authorities of Secondary, Community and Comprehensive Schools.

On Line Claim System

Arrangements for Absence Notification for Teachers and Special Needs Assistants

1. Introduction.

The Minister for Education & Science wishes to inform Management Authorities of the arrangements regarding leave of absence notification arising from the introduction of the On Line Claim System (OLCS) with effect from the 6th November, 2006.

2. Recording of Absences.

Absences, both substitutable and non substitutable, for teachers and special needs assistants must be recorded on the OLCS from the 6th November, 2006. The Department requires that leave absences are recorded to ensure that all staff members are paid correctly.

Leave records should be inputted each day by the school to the OLCS as they occur and **must be entered in date order**.

3. Applications for unpaid leave

Applications for unpaid Leave must be made to the management authority of the school at least 6 weeks before the date of commencement of the leave to facilitate the Board in making timely arrangements for the recruitment of a replacement staff member.

The absence must be recorded on the OLCS at least 4 weeks prior to the date of commencement of the leave. This is to ensure that payment can be ceased for the relevant period and avoid overpayment situations.

The applicant for parental leave must submit a copy of the child's birth certificate or where applicable evidence of the adoption order to the managerial authority with the application for parental leave. If an applicant does not submit the documentation referred to, the managerial authority of the school the managerial authority has no option but to refuse to approve the application pending the submission of the documentation. A copy of the documentation must be retained in the school for audit purposes.

The applicant for Carer's leave must submit a copy of the approval decision from Carer's Benefit Section, Department of Social and Family Affairs to the managerial authority with the application for Carer's leave. If the applicant does not submit the documentation referred to, the managerial authority has no option but to refuse to approve the application pending the submission of the documentation. A copy of the documentation must be retained in the school for audit purposes.

Documentation essential to a decision in connection with applications for unpaid leave (such as Parental leave, Carer's leave, unpaid Maternity Leave and unpaid Adoptive Leave), and required under the terms of the relevant Circular Letters, must be retained indefinitely by the school.

4. Other Unpaid Absences

In the case of absences for which the prior approval of the managerial authority has not been obtained, the Board is obliged to notify the Department of the absence at the earliest possible date and whether the Board has approved of the absence or not. Delays in notifying the Department of such absences will lead to considerable difficulties for the payroll service and are consequently unacceptable.

In cases of unapproved absence, it is essential that these events are notified to the payroll service as soon as possible so as to avoid overpayments arising. In such cases a deduction from salary will occur or, where appropriate, the payment of salary will cease and shall not re-commence until all required certification has been submitted by the Board.

5. Sick Leave

- (a) A medical certificate must be submitted to the managerial authority in respect of absences owing to illness in accordance with the terms of the relevant scheme. In the absence of medical certification the substitution costs will not be paid by the Department. The salary of the absent teacher or special needs assistant shall be ceased by the Department in the event that the managerial authority advises the Department that certification has not been submitted.
- (b) Medical Certificates must be retained securely in the school for audit purposes for a period of not less than 5 years or ten years in the case of a teacher who takes a career break.
- (c) In the case of Class A PRSI Contributors the MC1 Social Welfare Certificate must be submitted to this Department after 3 sick days for referral to the Department of Social and Family Affairs. This is required for PRSI compliance. Failure to submit the MC1 form on time may result in the loss of salary to the teacher. A teacher's medical practitioner (G.P.) will normally have MC1 forms for completion.

6. Paid Maternity Leave and Paid Adoptive Leave

Applications must be submitted to the Board of Management of the school 6 weeks in advance of the proposed commencement date. Leave details must be entered on OLCS not later than 4 weeks in advance of the commencement date. Forms MB10 and AB1 where applicable should be submitted to the Department at least four weeks prior to the commencement of the leave. Form ML 1 (see Appendix 1) must be completed in respect of Maternity Leave absences and Form AL 1 (see Appendix 3) in respect of Adoptive Leave absences. These documents must be retained in the school for record and audit purposes. A calculation example for Maternity Leave and Adoptive Leave is set out in Appendix 2 and Appendix 4 respectively. It is recommended that a copy of the completed calculation be given to the applicant.

7. Copies of Circular

School management authorities are requested to bring the contents of this Circular to the attention of staff in the school, including those on maternity leave, sick leave etc.

An Irish version of this circular is available on the Department of Education & Science website at www.education.ie

P. Maloney,
Principal Officer.
February 2007.

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Revised (August 2008) Appendix 1 – Circular 0023/2007

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Worksheet for Maternity Leave which is keyed on or after 1st September 2008

NAME:		
PPS NO.		
(1) Expected date of Confinement (EDC)	Applicant must provide Doctor's Cert. to confirm this.	Date:
(2) Commencement Date:	Date applicant wishes to commence her leave. (leave must be commenced not later than 2 weeks before the end of the week of confinement, the end of the week being a Saturday)	Date:
(3) Maternity leave end date	Count 26 weeks from date of commencement (182 days)	Date:
(4) Statutory Unpaid Maternity Leave	The amount of unpaid leave applied for by the applicant subject to the maximum statutory unpaid leave allowable of 16 weeks (112 days). Statutory Unpaid Maternity Leave must commence on the day immediately after the completion of Maternity Leave	Dates From: _____ To: _____
(5) No. of Days in Lieu* due in respect of the period of Maternity Leave	Calculate the number of days the school was closed Mon-Fri between Date of commencement (at 2 above) to end of statutory Mat. Leave (at 3 above) subject to a maximum of 30 days.	No. of days:
(6) No of days in lieu due in respect of Statutory Unpaid Maternity Leave	Calculate the number of days the school was closed due to the occurrence of a Bank Holiday during the period specified at (4) above	No of days
(7) Application of days in lieu (total of 5 and 6 above) on completion of period of Statutory Unpaid Maternity Leave (4 above)	Leave in lieu is awarded from the first working day that occurs after the Maternity leave end date or the Statutory Unpaid Maternity Leave end date if such leave is taken. It is only awarded on working days that the school is open, for example when awarding back the days in lieu if you come to a public holiday or a school closure e.g. Weekends, Mid term, School Holidays you skip over those closures	Dates From: _____ To: _____
(8) Return to work date:	Date immediately following the last day in lieu. If the applicant is given a date of return that falls on a weekend or school closure the applicant does not have to resume duty until the next working day.	Date:

***Leave in Lieu**

Job-sharing teachers should refer to Circular Letter 18/98 Section 11 paragraph 11.3. There is no entitlement to days in lieu for the first twelve days of the state examinations.

Appendix 1 – Circular 0023/2007

1. The following documents must be retained for record and audit purposes

Form/Cert	Attached (Y/N)
Application form for maternity leave	
Expected date of confinement certificate	
Application for unpaid maternity leave (where applicable)	
Birth Certificate or doctor's certificate confirming date of confinement if date of confinement occurred in a week that was 2 weeks or more before the expected date of maternity leave and the applicant had not commenced her leave.	

2. Social and Family Affairs Forms (applicable to A class PRSI contributors)

MB 10 form must be completed and sent to Payroll Liaison Section

Form	Date sent to Payroll Liaison Section
MB10	

3. Verification by School Authority

I certify that the worksheet has been fully completed and the corresponding dates have been entered on OLCS, that all the forms listed at 1 above have been retained in the school and Form MB10 (where applicable) has been completed and sent to Payroll Liaison Section.

Signature: _____ Date _____
(On behalf of School Authority)

NOTES

Maternity Leave Entitlements

A. Statutory Leave

	Maternity Leave	Additional Unpaid Maternity leave	Total leave
Maternity leave	26 weeks	16 weeks	42 weeks

B. Non-statutory Maternity Leave to end of the school year (31st August), (Teachers ONLY)

A teacher who, on completion of leave, additional leave and leave in lieu, as appropriate, may avail of further unpaid leave referred to as "non-statutory leave to the end of the school year" subject to obtaining written sanction from the managerial authority of the school, which body should be notified four weeks in advance.

The period of maternity leave shall not extend beyond the day on which any fixed term or fixed purpose contract of employment is due to cease.

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Revised (August 2008) Appendix 2 – Circular 0023/2007

Calculation of Maternity Leave which is keyed on or after 1st September 2008

Example

This example is based on the applicant's EDC of 23rd January 2009, applicant choosing to commence her leave on 7th January 2009 and choosing to take 108 days unpaid leave. It should be noted that the latest date on which the applicant must commence maternity leave is 10th January 2009. The school is closed on the standard school closures and re-opening on 26th August 2009 after the summer holidays.

(1) Expected date of Confinement (EDC)	23 rd January 2009	
(2) Commencement Date	7 th January 2009	
(3) Maternity Leave end date	7th July 2009 (26 weeks from 7 th January 2009)	
(4) Statutory Unpaid Maternity Leave	108 days 8 th July 2009 to 23 rd October 2009 inclusive	
(5) No of days in Lieu which are due in respect of Maternity Leave (3 above)	<u>Days in Lieu</u> 5 days 1 day 10 days 1 day 1 day <u>12 days</u> 30 days	<u>School Closures from</u> <u>7th Jan 2009 to 7th July 2009</u> 16 th – 20th Feb. 17th March 6 th – 17th April 4th May 1st June 19th June – 7th July
(6) No of days in Lieu which are due in respect of Statutory Unpaid Maternity Leave (4 above)	<u>Days in Lieu</u> <u>1 day</u> 1 day	<u>Bank Holidays from</u> <u>8th July 2009 to 23rd October 2009</u> 3 rd August 2009
(7) Application of days in lieu (5 and 6 above) on completion of period of Statutory Unpaid Maternity Leave (4 above)	Statutory Unpaid Maternity Leave completed on 23 rd October 2009. A total of 31 days (30 + 1) applied during the period 24 th October 2009 to 14th December 2009 inclusive. This is made up by combining days in Lieu in respect of: (a) Maternity Leave – (5) above – 30 days (b) Statutory Unpaid Maternity Leave – (6) above - 1 day	
(8) Return to work Date	Tuesday 15 th December 2009	
(9) Return to Work Date in case of Teacher only (not SNA) who wishes to take additional non-statutory unpaid maternity leave to end of the school year	Commencement date of 2010/11 school year	

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ADOPTIVE LEAVE WORKSHEET

NAME: PPS No.:		
(1) Date of Placement:	In the case of an Irish adoption, a certificate of placement, indicating official date of placement/expected date of placement should be enclosed. In the case of a Foreign Adoption the applicant must give the employer a copy of the declaration of eligibility and suitability (issued pursuant to the Adoption Act, 1991) before the commencement of leave or additional leave (whichever is the earlier). Particulars of the placement must be furnished as soon as is reasonably practicable thereafter.	Date:
(2) Commencement date:	Leave must commence from the date of placement of the child. Section 1 of the Principal Act defines "day of placement" as: (a) the day on which the child is placed physically in the care of the adopting parent with a view to the making of an adoption order, or (b) the day on which the child is placed physically in the care of the adopting parent with a view to the effecting of a foreign adoption, or (c) in the case of a foreign adoption, where the child has not previously been placed in the care of the adopting parent, the day on which the child has been so placed following the adoption	Date:
(3) Leave end date:	Count 24 weeks from date of commencement (168 days)	Date:
(4) Statutory Unpaid Adoptive Leave	The amount of unpaid leave applied for by the applicant subject to the maximum statutory unpaid leave allowable is 16 weeks (112 days) When calculating the return to work date following unpaid adoptive leave, you count the unpaid days consecutively (including weekends and public holidays) and award days from the first working day immediately after the end of unpaid leave in respect of the public holidays occurring during that period of unpaid leave. Foreign adoption: where a period of additional leave is required before the day of placement, for the purposes of familiarisation with the child who is to be adopted, some or all of the additional leave may be taken before the day of placement (Ref Section 8 of Principal Act, 1995).	Dates: From: _____ To: _____
(5) No. of Days in lieu due in respect of period of Adoptive Leave*	Calculate the number of days the school was closed Mon-Fri between Date of commencement (at 2 above) to end of statutory Adoptive Leave (at 3 above) subject to a maximum of 27 school days.	No. of Days:
(6) No. of Days in lieu due in respect of period of Statutory Unpaid Adoptive Leave:	Calculate the number of days the school was closed due to the occurrence of a Bank Holiday during the period specified at (4) above	No of days
(7) Application	Leave is lieu is awarded from the first working day that	Dates:

of days in lieu (total of 5 and 6 above) on completion of period of Statutory Unpaid Adoptive Leave (4 above)	occurs after the Adoptive leave end date or the Statutory Unpaid Adoptive Leave end date if such leave is taken. It is only awarded on working days that the school is open, for example when awarding back the days in lieu if you come to a public holiday or a school closure e.g. Weekends, Mid term, School Holidays you skip over those closures	From: _____ To: _____
(8) Return to work date:	This is the date immediately following the last day in lieu. If the applicant is given a date of return that falls on a weekend or school closure the applicant does not have to resume duty until the next working day.	Date:

***Leave in Lieu**

Job-sharing teachers should refer to Circular Letter 18/98 Section 11 paragraph 11.3.

There is no entitlement to days in lieu for the first twelve days of the state examinations.

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Revised (August 2008) Appendix 4 – Circular 0023/2007

Calculation of Adoptive Leave which is keyed on or after 1st September 2008

Example

This example is based on the applicant's Date of placement of 21st January 2009 and choosing to take 108 days unpaid leave. The school is closed on the standard school closures and re-opening on the 26th August 2009 after the summer holidays.

(1) Date of Placement	21 st January 2009	
(2) Commencement Date	21 st January 2009	
(3) Adoptive Leave end date	7th July 2009 (24 weeks from 21 st January 2009)	
(4) Statutory Unpaid Adoptive Leave	108 days 8 th July 2009 to 23 rd October 2009 inclusive	
(5) No of days in Lieu which are due in respect of Adoptive Leave (3 above)	<u>Days in Lieu</u> 5 days 1 day 10 days 1 day 1 day <u>12 days</u> 30 days	<u>School Closures from</u> <u>21st Jan 2009 to 7th July 2009</u> 16 th – 20th Feb. 17th March 6 th – 17th April 4th May 1st June 19th June – 7th July
(6) No of days in Lieu which are due in respect of Statutory Unpaid Adoptive Leave (4 above)	<u>Days in Lieu</u> <u>1 day</u> 1 day	<u>Bank Holidays from</u> <u>8th July 2009 to 23rd October 2009</u> 3 rd August 2009
(7) Application of days in lieu (5 and 6 above) on completion of period of Statutory Unpaid Adoptive Leave (4 above)	Statutory Unpaid Adoptive Leave completed on 23 rd October 2009. A total of 28 days (27 + 1) applied during the period 24 th October 2009 to 9th December 2009 inclusive. This is made up by combining days in Lieu in respect of: (b) Adoptive Leave – (5) above – 27 days (b) Statutory Unpaid Adoptive Leave – (6) above - 1 day	
(8) Return to work Date	Thursday 10 th December 2009	
(9) Return to Work Date in case of Teacher only (not SNA) who wishes to take additional non-statutory unpaid adoptive leave to end of the school year	Commencement date of 2010/11 school year	