

AGREED NATIONAL TEXT

2 SICK LEAVE AND SICK PAY

2.1 Subject to the provisions of this scheme a lecturer absent from duty owing to illness (which term is deemed to include injury or other disability) shall be entitled to receive sick pay in accordance with the following scale:

- i) during the first year of service: full pay for one month and after completing four calendar months' service before the start of the period of absence through illness, half pay for two months;
- ii) during the second year of service: full pay for three months and half pay for three months;
- iii) during the third year of service: full pay for four months and half pay for four months;
- iv) during the fourth and successive years: full pay for six months and half pay for six months.

NB For the purposes of calculating entitlement a month shall be deemed to include 22 working days (including Saturday where this is a working day).

This scale is to be regarded as a minimum and the institution has the discretion to extend the scheme in individual cases. For the purposes of this paragraph of the document, a working day is defined as any day on which the establishment is open but which does not form part of the lecturer's personal holiday entitlement.

2.2 Sick pay shall include, where appropriate, Statutory Sick Pay, and shall not exceed full (ordinary) pay. Appropriate deductions are detailed in the following paragraphs.

2.3 For the purpose of calculating entitlement to sick leave under paragraph 1 the year shall be deemed to begin on 1 April of each year and end on 31 March of the following year; provided that, in the case of a lecturer whose service commences on a date other than 1 April, such service shall be deemed for the purpose of this scheme to have commenced on the preceding 1 April subject to the completion of four calendar months' actual service before half pay can be claimed, and provided also that in the case of the lecturer who is absent owing to illness on 31 March of any year, such a lecturer shall not begin new entitlement to sick leave in respect of the following year until he or she has resumed teaching duty, the period from 1 April until the return to duty deemed to be part of the preceding year for the purpose of this scheme. In the case of a lecturer transferred from the service of one HEI to that of another, any sick pay paid during the current year by the previous HEI shall be taken into account in calculating the amount and duration of sick pay payable by the new HEI*.

* For the purposes of transferring sick pay entitlement clause 4 of the Agreed Contract governing continuous employment shall apply.

- 2.4 For the purpose of paragraph 2.1 'service' means employment with this institution and such other period of employment as this institution may approve.
- 2.5 The following deductions shall be made from sick pay where it is of an amount equal to full pay -
- a) the amount of sickness benefit receivable under relevant legislation (provided, however, that in any case where sickness benefit is, or may subsequently prove to have been, receivable in respect of the first three days of any sickness, the amount of benefit receivable shall be deducted from such pay only if such benefit has in fact been received in respect of any such period of three days);
 - b) the dependency element (but not the disability element) of any treatment allowance received from the Department of Social Security.
- 2.6 Deduction shall also be made from sick pay where it is of an amount less than full pay if a lecturer would otherwise with the benefits receivable in respect of insurance under the relevant legislation become entitled to an amount exceeding the sum of his\her full (ordinary) pay.
- 2.7 Benefits are regarded as receivable at the full rate in circumstances in which a lecturer has opted under National Insurance regulations to put himself or herself outside of benefit at the full rate.
- 2.8 Subject only to the proviso in paragraph 2.5(a) the deductions enumerated under paragraphs 2.5, 2.6 and 2.10 will be made if the lecturer is eligible to receive such benefits, payments or allowances whether or not he or she takes the necessary steps to obtain it.
- 2.9 For the purposes of this scheme a lecturer shall be under an obligation to declare to the satisfaction of the institution his or her entitlement to benefit under the foregoing Acts (paragraph 2.5 above) and any subsequent alteration in the circumstances on which such entitlement is based, in default of which the institution shall be entitled to determine the benefit by reference to the maximum benefit to which the lecturer appears entitled under the statutory provisions governing such benefits.
- 2.10 Deductions equivalent to those set out in paragraph 2.5 above shall be made from the sick pay of a lecturer who is a married woman or a widow and has elected to pay reduced contributions under the terms of the Social Security Act 1975 and Social Security Contribution Regulations 1979, provided that, where a widow is in receipt of a widow's or a widowed mother's allowance or widow's pension, regard shall be paid in calculating the amount of sick pay only to such part of the national insurance benefit receivable as is in excess of the amount received by the lecturer from the Department of Social Security in weeks of full normal employment.

Whilst sickness during a period when the institution is closed or a period forming part of the lecturer's personal holiday entitlement will not affect the period of his or her entitlement to sick leave under paragraph 2.1, it will be

relevant so far as deduction of benefit is concerned. Thus the rate of sick pay applicable to a lecturer in respect of sickness during a period of closure or a period forming part of his or her holiday entitlement is the rate applicable to him or her on the last day before that period. Where a lecturer, therefore, is ill immediately preceding such a period and:

- the lecturer is on full sick pay:
- he or she shall continue on sick pay, but the closure or holiday period is not counted against entitlement under paragraph 2.1;
- the lecturer is on half sick pay:
- he or she shall continue on half sick pay, but the closure or holiday period is not counted against his or her entitlement;
- the lecturer has exhausted his or her sick pay entitlement and is not receiving any pay:
- he or she shall continue to receive no pay.

- 2.11 Where a lecturer is either on half pay or is not receiving pay he or she may be put on full pay by the procedure in paragraph 2.12.
- 2.12 When a lecturer is ill immediately preceding a period of closure or a period forming part of his or her personal holiday entitlement, and has exhausted his or her sick leave entitlement, or is on less than full pay, and recovers during the above period, the lecturer shall be deemed, for the purpose of calculating the amount of salary due, to have returned to duty on the day the lecturer is authorised medically fit to do so by means of a doctor's statement obtained for that purpose provided that he or she actually returns to duty on the first day after the said period.
- 2.13 If, during a period of closure or a period forming part of the lecturer's personal holiday entitlement he or she falls ill and becomes entitled to Statutory Sick Pay or becomes, or would, but for election to be excepted from liability to pay contributions, become entitled to claim any of the benefits referred to in paragraph 3.5 (maternity leave and pay) it shall be his or her duty to notify thereof (in accordance with paragraph 2.14 as if the days of closure or personal holiday were working days) so that the institution may either pay Statutory Sick Pay (where appropriate) or make the appropriate deductions.
- 2.14 A lecturer who is absent for more than three working days owing to personal illness shall submit such statements as the institution at its discretion shall require provided that doctors' statements shall not be required, save in special circumstances, more frequently than on the eighth day of absence, at the end of each month of absence and on return to duty, unless fitness for return to duty has already been ascertained and the lecturer returns to duty on the date specified on the previous doctor's statement. In the case of a prolonged or frequent absence a lecturer may be required at any time to submit to

examination by an approved medical practitioner. The lecturer's own doctor may be present at such examination on the lecturer's request.

- 2.15 A lecturer entering hospital or a similar institution shall submit a doctor's statement on entering and on discharge in substitution for periodic statements.
- 2.16 In the case of absence due to accident attested by an approved medical practitioner to have arisen out of and in the course of the lecturer's employment, including any extra curricular or voluntary activity connected with the institution, full pay shall in all cases be allowed, such pay being sick pay for the purposes of paragraph 2.2 to 2.13 subject to the production of self certificates and/or doctor's statements from the day of the accident up to the date of recovery and not exceeding six calendar months, after which the case will be reviewed for a decision on any extension of the period of sick pay. Absence resulting from such accidents shall not be reckoned against the lecturer's entitlement to sick leave under 1 though such absences are reckonable for entitlement to Statutory Sick Pay.
- 2.17 When the approved medical practitioner attests that there is evidence to show a reasonable probability that a n absence was due to an infectious or contagious illness contracted directly in the course of the lecturer's employment full pay shall be allowed for such period absence as may be authorised by the approved medical practitioner to be due to the illness, and such absence shall not be reckoned against the lecturer's entitlement to sick leave under 2.1, though such absences are reckonable for entitlement to Statutory Sick Pay.
- 2.18 Where the absence is attested by the approved medical practitioner to be due to pulmonary tuberculosis and the lecturer carries out an approved course of treatment, full salary shall be paid in respect of the first twelve calendar months of the period of absence after attestation and further full or half pay shall be allowed at the discretion of the institution.
- 2.19 A lecturer residing in a house in which some other person is suffering from an infectious disease shall at once notify the personnel Department and the Lecturer shall, if required, take such precaution as may be prescribed, provided that if in the opinion of the approved medical practitioner it is considered inadvisable, notwithstanding such precautions, for such a lecturer to attend duty, full pay shall be allowed during any enforced absence from duty, such pay being sick pay for the purposes of paragraph 2.2 to 2.13. This provision will also apply where, in the opinion of any approved medical practitioner, it is inadvisable for a lecturer to attend duty for precautionary reasons due to infectious disease in the workplace. The period of absence under this paragraph shall not be reckoned against the lecturer's entitlement to sick leave under paragraph 2.1, though such absences are reckonable for entitlement to Statutory Sick Pay.
- 2.20 If the absence of the lecturer is occasioned by the actionable negligence of a third party in respect of which damages are recoverable, he or she shall advise the institution forthwith, and it shall be competent to the institution to require the lecturer to refund a sum equal to the aggregate of sick pay to him

or her during the period of disability of such part thereof as is deemed appropriate but not exceeding the amount of the damages recovered. In the event of the claim for damages being settled on a proportionate basis, the institution will require full details and will determine the actual proportion of sick pay to be refunded by the lecturer.

- 2.21 A lecturer who is absent from work because of injury in respect of which a claim will lie in the Criminal Injuries Compensation Board, and is otherwise qualified to receive sick pay, shall receive such sick pay without the lecturer being required to refund any proportion of it from the sum which the Compensation Board may award.
- 2.22 Where an award has been made by the Compensation Board the institution shall be free to discount wholly or partly the period of sick leave occasioned by the injury in calculating the lecturer's entitlement to pay as they may see fit on consideration of all the material circumstances.
- 2.23 If the institution is of the opinion that the disability which had occasioned the lecturer's absence from work is due to his or her other misconduct, or if the lecturer has failed to observe the conditions of this scheme, or has been guilty of conduct prejudicial to his or her recovery the payment of any sick pay under the scheme may be suspended provided that in any such case the institution shall inform the lecturer of the grounds upon which the payment of sick pay has been suspended and that the lecturer may, at his or her option, have recourse to the grievance procedure.
- 2.24 Sick pay shall not be paid in case of accident due to active participation in sport as a profession, unless the institution by resolution decides otherwise, though Statutory Sick Pay may be payable.