

DETERMINATION UNDER THE TEACHING SERVICE ACT 1980

DETERMINATION NO. 4 of 2016

SICK LEAVE

I, Mark Scott, Secretary of the Department of Education make the following determination pursuant to section 13 of the *Teaching Service Act, 1980*.

1. Application

- 1.1 This determination rescinds determination 2 of 2009 – Sick Leave.
- 1.2 The provisions of this Determination apply to permanent and temporary teachers.

2. Definitions

- 2.1 "Illness" means physical and psychological illness or injury, medical treatment and the period of recovery or rehabilitation from an illness or injury.
- 2.2 "Teacher" means a permanent or temporary teacher including a teacher in a promotions position. For the purposes of this definition it does not include a teacher in a non school based teaching service position or a casual teacher.

3. General

- 3.1 Teachers who are unable to perform their duties because of illness may be granted sick leave on full pay or no pay, dependent on the amount of sick leave to credit.

4. Entitlement

- 4.1 All full time permanent teachers shall accrue fifteen (15) days paid sick leave per year of service.
- 4.2 New teachers in their first appointment or engagement
 - 4.2.1 On first appointment as a permanent or temporary teacher, a teacher with no prior temporary or permanent service with the Department shall be granted 5 days credit to the teacher's sick leave balance.

- 4.2.2 After the first four months employment the teacher shall accrue sick leave at the rate of 15 working days per year of service.
- 4.2.3 A teacher who commences their first permanent appointment or first temporary engagement with the Department may be entitled to additional sick leave up to a maximum of fifteen (15) additional days over the first two years of their first appointment provided that the:
- i) teacher's principal/supervisor (or their nominee) certifies that there are no current concerns with the teacher's use of their sick leave; and
 - ii) the teacher has exhausted all sick leave entitlements to date.
- 4.2.4 A teacher who is employed by the Department prior to the date of the making of this determination and/or is re-employed after the date of the making of this determination can access any cumulative sick leave entitlement they may have accrued from their prior service with the Department but will not be granted additional sick leave provided for at 4.2.3 above.
- 4.3 Teachers returning from unpaid periods of maternity, parental or adoption leave.
- 4.3.1 Teachers returning from a period of unpaid maternity, parental or adoption leave, may be entitled to additional sick leave up to a maximum of five (5) additional days during the first year of their return provided that the:
- i) the teacher has resumed duty; and
 - ii) the teacher has exhausted all sick leave entitlements to date.
- 4.4 Permanent part time teachers and part-time temporary teachers shall be entitled to sick leave on a pro rata basis proportionate to the entitlement of a permanent full time teacher.
- 4.5 Periods of sick leave without pay will count as service for the accrual of sick leave.
- 4.6 Unpaid sick leave of up to 20 teaching days in any school year will count as service for the accrual of vacation pay.
5. **Special Sick Leave**
- 5.1 Special sick leave may be granted to a teacher with at least ten (10) years service who has exhausted all sick leave entitlements and

who because of illness has been or will be absent from duty for a period of at least three (3) months. For the purposes of this section the three months are calendar months inclusive of student vacation periods.

- 5.2 Special sick leave may be granted to a full time permanent teacher on the basis of 22 additional working days for each completed ten years of service as follows:

Completed years of service	Entitlement
10 years and less than 20 years	22 days
20 years and less than 30 years	44 days
30 years and less than 40 years	66 days
40 years and over	88 days

- 5.3 Special sick leave is a separate entitlement and is not taken into account when calculating a teacher's normal sick leave entitlement.
- 5.4 Special sick leave will not be granted on a part time basis to maintain the full salary of a teacher working less than their normal hours of duty.
- 5.5 Teachers working on a permanent part time basis may be granted special sick leave with the leave debited and payment for leave only made for the period the teacher would normally be on duty.
- 5.6 A teacher who is absent on sick leave prior to medical retirement may be granted special sick leave up to the date of the medical retirement at the discretion of the Secretary.

6. Sick Leave While on Long Service/Extended Leave

- 6.1 A teacher who becomes ill while on long service/extended leave, and who has sick leave to credit, may apply to have the long service leave re-credited if the teacher:
- 6.1.1 has been ill for at least a period of five (5) continuous working days;
 - 6.1.2 the five (5) continuous working days occurred during the period of the long service/extended leave; and

6.1.3 the application for the recredit of the long service/extended leave is supported by a medical certificate.

6.2 No recredit for leave will be given to a teacher who is on long service/extended leave prior to resignation or the termination of their services.

7. Medical Certificates

7.1 Applications for sick leave exceeding three (3) days must be supported by a medical certificate.

7.2 Where a teacher's leave record is considered to be unsatisfactory, a medical certificate may be required for every absence or for absences of less than three (3) days.

7.3 If a teacher has submitted notice of resignation or retirement to take effect from a specific date and is absent on sick leave up to and including that date, the application for leave must be accompanied by a medical certificate.

8. Calculation of service


8.1 For the purposes of calculating the amount of sick leave for which a teacher is eligible, only permanent and temporary service under the *Public Service Act 1902*, the *Public Service Act, 1979*, the *Public Sector Management Act, 1988*, the *Public Sector Employment and Management Act, 2002*, the *Government Sector Employment Act, 2013*, the *Teaching Service Act, 1970* and the *Teaching Service Act, 1980* is counted.

9. Date of Effect

9.1 The provisions of this Determination become effective from the date on which the Determination is made by the Secretary.

9.2 Implementation of the provisions of this Determination will be effected by administrative action at a future date to be determined in accordance with the Department's operational requirements.

9.3 Notwithstanding the provisions of sub-clause 9.1, the Department will continue to apply the provisions of the rescinded Determination 2 of 2009 until such time as the provisions of Determination 4 of 2016 are commenced by administrative action.

Signed: 

Mark Scott
SECRETARY
DEPARTMENT OF EDUCATION

Date: 19 September 2016