



Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhísí Sláinte

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Each Hospital Group CEO
Each Hospital Group Director of HR
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Each Employee Relations Manager
Each Group Director of Nursing & Midwifery
Each Group Director of Midwifery
Each Clinical Director
Director National Ambulance Service

From: Anne Marie Hoey, National Director of Human Resources

Date: 30th December 2020

Re: HR Circular 073/2020 Application of Special Leave with Pay for COVID-19 to employees who have contracted COVID-19 – New 28-day limit and special provisions for continuation of payment beyond 28 days

Dear Colleagues

I refer to Special Leave with Pay for COVID-19 (SLWP) which applies in lieu of the public service sick leave scheme when an employee is advised to self-isolate and is displaying symptoms of COVID-19 or had a positive test. Appropriate medical/HSE confirmation of the need to self-isolate and/or a diagnosis of COVID-19 will be required. SLWP does not apply to employees who are restricting their movements as a precautionary measure or who are in the very high risk category and are cocooning¹. Please refer to the latest version of the HSE Circular on the DPER

¹ Employees in these categories should be facilitated to work from home and must be available for work that is assigned to them, including outside of their normal role.

Guidance and FAQs for Public Service Employers during COVID-19 which is updated regularly and available [at this link](#).

1. Revised arrangements from 1 January 2021 – employees who contracted COVID-19

I wish to advise that following a review of the implementation of Special Leave with Pay for COVID-19 (SLWP) for public servants, new provisions will come into operation from 1 January 2021 in relation to those employees who have contracted COVID-19/have a positive test. When SLWP for COVID-19 was introduced in March 2020 it was understood that, based on public health advice at the time, the period of self-isolation / illness would be for approximately 14 days. As the COVID-19 pandemic has evolved we now understand that in some cases the recovery time for employees who contract COVID-19 can last longer. Following a review of the existing arrangements for public servants, the following new provisions for SLWP will come into effect from 1 January 2021 in relation to employees who have contracted COVID-19/have a positive test. These new arrangements will apply to current cases and new cases that arise from 1 January 2021.

2. New 28-day limit for health service employees with a confirmed case of COVID-19

SLWP will continue to apply to employees who have been advised to self-isolate and are displaying symptoms of COVID-19 **or** who have a diagnosis of COVID-19. From 1 January 2021, in instances where an employee has a medical diagnosis/confirmed case of COVID-19, SLWP may continue for up to 28 days if necessary and where it is supported by a positive test for COVID-19 and ongoing medical certification. If an employee is still unwell after 28 days they will move to ordinary sick leave arrangements.

3. Special provisions for the Continuation of SLWP beyond 28 days

SLWP may be extended beyond 28 days for certified COVID-19 related illness in circumstances where a manager determines that all four criteria below are met:

- (i) An employee had been in the work premises at any time during the 14 days prior to commencing the self-isolation period of a positive case of COVID-19. The work premises includes any location, outside the home, an employer requires an employee to attend as part of their work role, e.g. in community settings, home visits. The attendance at the work premises/on site must have been known to and/or approved by the manager in advance.
- (ii) The employee provides their employer with medical evidence of a positive COVID-19 test² including the date of this test.
- (iii) In accordance with the employer's standard management referral process, the Occupational Health Physician (OHP) confirms that the employee is medically unfit to resume work. How this will work in practice in Section 38 organisations will be based on the normal arrangements that apply for

² It is recognised that at the start of the pandemic, universal COVID testing was not available. Thus, on a case-by-case basis, medical evidence that the clinical presentation indicated a high probability of COVID-19 may suffice.

medical referrals to determine an employee's fitness to resume work or otherwise during sickness absence.

- (iv) The OHP confirms that the employee's absence relates primarily to ongoing COVID-19 illness, and that they are accessing medical care.

The employee will be required at all times to comply with their employer's HR policies and procedures governing sickness absence, such as the organisation's Managing Attendance Policy and Rehabilitation Policy, and to co-operate with medical referrals by the employer.

4. Appeal of Occupational Health Physician Advice

The advice of the OHP can be appealed on a case-by-case basis. The appeal must be to an OHP who is on the Specialist Register in Occupational Medicine. The medical appeal is only in regard to the COVID-19 relatedness of the absence. The exact arrangements will be determined by each employer.

5. Commencement of the revised arrangements

These revised arrangements will come into effect for any new or current cases from 1 January 2021. For ongoing cases, the following are two examples of how this will apply in practice:

- (i) If an employee was on day 30 of SLWP on 31 December 2020, they will move on to ordinary sick leave from 1 January 2021, in accordance with section 2, or remain on SLWP if the manager determines they meet the criteria under section 3 of this Circular. If the employee is subject to the 28-day limit under section 2, 1 January 2021 would be day one of ordinary sick leave for the period of COVID-related absence.
- (ii) If an employee was on day 14 of SLWP on 31 December 2020 they would have another 14 days of SLWP to avail of (if required due to COVID-related illness) before moving to ordinary sick leave.

6. Review of the continuation of SLWP

The arrangements relating to the application of SLWP for COVID-19 are temporary and will be kept under regular review. A further review will be carried out not later than 31 March 2021.

7. Payment of SLWP

SLWP for COVID-19 is based on basic salary and fixed allowances only. The total payment is made by the employer. Public servants who can avail of SLWP are excluded from claiming the special DEASP COVID-19 illness benefit payment.

In the case of employees who come within the scope of [HSE HR Circular 064/2020](#), the amount payable includes unsocial hours premium payments. Please note that "unsocial hours premium earnings" is an umbrella term that refers to a variety of premium payments/allowances based on an employee's rostered hours of work which vary depending on the roster worked in a specific period. It includes, but is not limited to, night duty (T1/4), time and one-sixth (T1/6), Saturday allowance, Sunday premium etc. The calculation excludes overtime payments with the exception of

regular and rostered overtime payments. For the purposes of calculating this element of SLWP, the employee's unsocial hours premium payments and, if applicable, regular and rostered overtime payments will be averaged over the preceding 6-week period. Please refer to the specific conditions set out in **HSE Circular 64/2020 Special Leave with Pay for COVID-19 Premium Payments** [here](#).

Please ensure that this Circular is brought to the attention of managers within your area of responsibility and that updated information is disseminated to all employees (including those who are absent from work on any type of leave).

Queries

Queries from individual employees or managers should be referred to local HR/Employee Relations Departments. Please note that the National HR Helpdesk is also available to take queries from employees on 1850 444 925 or ask.hr@hse.ie.

Queries from HR/Employee Relations Departments on other aspects of this Circular and related documents may be referred to Mary Ruane or Aoife O'Riordan, Corporate Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2. Tel: 01 6626966, Email: mary.ruane@hse.ie or Aoife.oriordan@hse.ie

Yours sincerely,



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