



STATUTORY INSTRUMENTS.

S.I. No. 384 of 2015



PUBLIC SERVICE MANAGEMENT (SICK LEAVE) (AMENDMENT)
REGULATIONS 2015

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I, BRENDAN HOWLIN, Minister for Public Expenditure and Reform, in exercise of the powers conferred on me by section 58B of the Public Service Management (Recruitment and Appointments) Act 2004 (No. 33 of 2004) (inserted by section 7 of the Public Service Management (Recruitment and Appointments) (Amendment) Act of 2013 (No. 47 of 2013)), and having complied with subsection (4) of that section 58B, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Public Service Management (Sick Leave) (Amendment) Regulations 2015.

(2) The amendments effected by Regulations 3 to 6 shall be deemed to have come into operation on—

(a) subject to subparagraph (b), 31 March 2014, or

(b) in so far as such an amendment falls to be applied to a relevant person referred to in Regulation 1(3) of the Principal Regulations, 1 September 2014.

Definition

2. In these Regulations the “Principal Regulations” means the Public Service Management (Sick Leave) Regulations 2014 (S.I. No.124 of 2014).

Amendment of Regulation 18 of Principal Regulations

3. Regulation 18 of the Principal Regulations is amended by substituting, in each place where it occurs, “pension rate of pay” for “pension related pay”.

Amendment of Regulation 19

4. The Principal Regulations are amended by substituting the following for Regulation 19:

“Pregnancy-related illness: additional entitlement to paid sick leave at the half rate

19. (1) Where—

(a) a period of sick leave on the part of a relevant person occurs that is due to a pregnancy-related illness, and

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th September, 2015.

- (b) the relevant person has, apart from this Regulation and Regulation 20, no further entitlement to be paid sick leave remuneration at the half rate,

then, notwithstanding anything in Part 3 or 4, she shall be paid sick leave remuneration at the half rate for the duration of the sick leave that is due to that pregnancy related illness.

(2) In reckoning, for any purpose of these Regulations, the period of sick leave (in respect of which remuneration has been paid) that has occurred on the part of a relevant person, no account shall be taken of a period in respect of which (by virtue of this Regulation) sick leave remuneration at the half rate has been paid to the person.”.

Amendment of Regulation 20 of Principal Regulations

5. The Principal Regulations are amended by substituting the following for Regulation 20:

“Pregnancy-related and non-pregnancy-related illness; provisions for the purpose of Regulations 9, 12, etc.

20. (1) In this Regulation—

‘non-pregnancy-related sick leave’ means sick leave—

- (a) that is not due to a pregnancy-related illness, and
- (b) in respect of which sick leave remuneration has been paid;

‘pregnancy-related sick leave’ means sick leave that is due to a pregnancy-related illness;

‘prior reckoned leave’ shall be read in accordance with paragraph (2)(a);

‘relevant provision’ means Regulation 10 or 13, as the case may be;

‘woman concerned’ shall be read in accordance with paragraph (2)(b).

(2) Without prejudice to paragraphs (3) to (6), as in the case of non-pregnancy-related sick leave, pregnancy-related sick leave shall be included in the reckoning of sick leave in the period of 4 years specified in the relevant provision, and—

- (a) pregnancy-related sick leave that is so reckoned is referred to subsequently in this Regulation as ‘prior reckoned leave’; and
- (b) a woman who has had such leave so reckoned is referred to subsequently in this Regulation as the ‘woman concerned’.

(3) Where sick leave on the part of the woman concerned occurs after the time that she ceases to have any further entitlement to be paid sick leave remuneration under Regulation 9 (as that Regulation operates apart

from the effect of this paragraph), then that Regulation shall operate, notwithstanding Regulation 10, to require the payment to the woman, at the half rate, of sick leave remuneration in relation to the sick leave so occurring, but this paragraph is subject to paragraph (4).

(4) With respect to paragraph (3)—

- (a) the payment provided for under that paragraph shall not be made in respect of the part, if any, of the sick leave referred to in that paragraph that is in excess of the period of prior reckoned leave, and
- (b) the provision contained in it to the effect that the paragraph operates notwithstanding Regulation 10 shall not be read as enabling sick leave remuneration to be paid in respect of a period of non-pregnancy-related sick leave if the total of the period of non-pregnancy-related sick leave on the part of the woman concerned exceeds that specified in that Regulation.

(5) Where sick leave on the part of the woman concerned occurs after the time that she ceases to have any further entitlement to be paid sick leave remuneration under Regulation 12 (as that Regulation operates apart from the effect of this paragraph), then that Regulation shall operate, notwithstanding Regulation 13, to require the payment to the woman, at the half rate, of sick leave remuneration in relation to the sick leave so occurring, but this paragraph is subject to paragraph (6).

(6) With respect to paragraph (5)—

- (a) the payment provided for under that paragraph shall not be made in respect of the part, if any, of the sick leave referred to in that paragraph that is in excess of the period of prior reckoned leave, and
- (b) the provision contained in it to the effect that the paragraph operates notwithstanding Regulation 13 shall not be read as enabling sick leave remuneration to be paid in respect of a period of non-pregnancy-related sick leave if the total of the period of non-pregnancy-related sick leave on the part of the woman concerned exceeds that specified in that Regulation.

(7) Nothing in this Regulation affects the operation of Regulation 19(2).”.

Transitional provision with respect to pregnancy-related sick leave

6. The Principal Regulations are amended by inserting after Regulation 20 (inserted by Regulation 5) the following:

“Transitional provision with respect to pregnancy-related sick leave

20A. Notwithstanding Regulation 3(3), neither of the following—

- (a) a period of sick leave due to a pregnancy-related illness on the part of a relevant person that has occurred, or
- (b) sick leave remuneration (whether described as such or not) paid to a relevant person in respect of a period of sick leave due to a pregnancy-related illness,

before the commencement of these Regulations shall be taken into account—

- (i) in reckoning for the purposes of these Regulations the period of sick leave that has occurred on the part of a relevant person or the period in respect of which sick leave remuneration has been paid to the relevant person, or
- (ii) for any other relevant purposes of these Regulations.”.



GIVEN under my Official Seal,
8 September 2015.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations amend the Public Service Management (Sick Leave) Regulations 2014 (S.I. 124 of 2014), which set out in detail the terms of the Public Service Sick Leave Scheme. The main amendments in the Regulations provide for a transitional arrangement and an ongoing arrangement in relation to pregnancy-related sick leave for public servants covered by the Scheme.

The transitional arrangement makes provision for all pregnancy-related sick leave that occurred before the introduction of the new Public Service Sick Leave Scheme to be discounted for the purpose of calculating access to paid sick leave under the Scheme.

The ongoing arrangement makes provisions whereby a woman who has exhausted her access to paid sick leave due to pregnancy-related sick leave in the previous 4 years may have access to additional non-pregnancy-related sick leave at the half rate of pay. The number of additional days allowed will be the equivalent number of days taken on pregnancy-related sick leave in the 4 years and must not exceed normal sick leave limits (e.g. 183 days) for non-pregnancy-related sick leave (when counted with other non-pregnancy-related sick leave in the previous 4 years).

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