



## Section 2: GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

	Page
2.1 Introduction .....	2
2.2 Guidelines to Hours of Work and Overtime.....	3
2.3 Dress Code .....	4
2.4 ICT - Acceptable Usage Policy .....	4
2.5 Personal Telephone Calls.....	12
2.6 Personal Appointments .....	12
2.7 Flexible Working Hours Scheme .....	12
2.8 Freedom of Information .....	13
2.9 Data Protection.....	13
2.10 Access to Personal Records .....	14
2.11 Transfer Guidelines.....	14
2.12 Secondment .....	15
2.13 Career Break .....	15
2.14 Work Share Scheme .....	17
2.15 Job Share Scheme .....	22
2.16 Jury Service .....	25
2.17 Compassionate Leave .....	25
2.18 Marriage Leave .....	25
2.19 Maternity Leave Guidelines .....	26
2.20 Paternity Leave Guidelines .....	29
2.21 Adoptive Leave Guidelines.....	30
2.22 Parental Leave Guidelines .....	33
2.23 Term Time Leave Guidelines .....	35
2.24 Force Majeure Leave Guidelines.....	40
2.25 Carer's Leave Guidelines.....	40
2.26 Code of Ethics for VEC Staff .....	46

---

## Section 2 - GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

### 2.1 Introduction

For the majority of staff, the terms and conditions of employment, including certain provisions relating to working conditions, are covered by collective agreements negotiated and agreed between Trade Unions, Staff Associations, managerial authorities and the Department of Education and Science (D.E.S.) in respect of the employment group to which you belong. These terms and conditions are usually contained within circular letters issued by the Department of Education and Science.

For staff members whose terms and conditions are not covered by any specific D.E.S. circular letter, North Tipperary VEC will seek D.E.S. approval to link such staff with established grades with North Tipperary VEC.

Every staff member will be issued with a Contract of Employment. This contract details the main terms and conditions to the post that an individual is appointed to. A member of staff will receive an Amendment to Contract should any of the main terms or conditions of the original contract change.

As required under the Terms of Employment (Information) Acts, 1994-2001, each contract will include the following, as a minimum;

- Full Name of Employer and Employee
- Address of the Employer
- Place of Work
- Nature of Work
- Date of Commencement
- Date of Termination, where applicable
- Working Time
- Rate, method of payment and payment intervals \*
- Holidays and other paid leave \*
- Sick leave and superannuation agreements \*
- Notice requirements
- Collective agreements
- Details of relevant disciplinary procedures
- Probationary period

\* *per the relevant established grade  
pro-rata for part time work subject to compliance with relevant employment legislation*

---

### **Contract of Indefinite Duration (CID)**

A Contract of Indefinite Duration (CID) is a frequently used type of contract between North Tipperary VEC and its employees.

To receive a contract of indefinite duration you must:

1. have four years successive service (fixed term contracts) with North Tipperary VEC

The hours of your CID are normally those in the immediate previous year's contract, less any hours which are for temporary cover.

You will not receive a contract of indefinite duration:

1. if you are covering for a person on career break, secondment or other approved leave of absence from which the person is entitled to return.
2. where it has been indicated to you by North Tipperary in your fixed term contract that the post is not viable over a reasonable period of time and the specific reason (fixed purpose) for this is stated.

The following pages further elaborate on the terms, conditions and entitlements of members of staff.

### **Fixed Term Contract**

A Fixed Term Contract may be issued to fill posts of employment such as may be required for substitution or a post for a definitive period of time, such as the school year.

### **Variations in Entitlements**

North Tipperary VEC has a variety of different employment types. Consequently, entitlements such as annual leave, sick pay and maternity pay are subject to variation across this range of employment types.

These entitlements will be outlined in each staff member's Contract of Employment.

If you have any queries in relation to entitlements contact the HR Department.

## **2.2 Guidelines to Hours of Work and Overtime**

### **Weekly Working Hours**

The number of hours an employee is required to work each week will be specified in their Contract of Employment. Working pattern and rosters will be specified at the place of employment.

### **Atypical Working Hours/Patterns**

North Tipperary VEC is committed to the principles of work life balance and as such will endeavour to meet the needs of the organisation while respecting the needs of individual employees.

Atypical working hours may be available to certain categories of employment. Human Resources Department will be pleased to provide advice in this regard.

### **Overtime**

All support and administrative staff, whose salary is below that of the Assistant Principal Officer Scale, are entitled to payment for overtime worked. All overtime worked must be approved in advance by your manager.

Part-time staff will not qualify for overtime rates until they have worked the equivalent of the full-time hours of the comparator.

---

Overtime is not payable to academic staff.

### **Working week**

The normal working week will be specified in your Conditions of Service. The actual working hours are as arranged at your place of employment.

## **2.3 Dress Code**

While North Tipperary VEC does not operate or enforce a uniform policy for its entire staff, each employee is expected to dress professionally and appropriately for the work environment. Professional attire reflects the professional image of the Committee for both its internal and external customers.

Where a member of staff has been provided with a uniform by the Committee, s/he should wear it as intended during working/office hours.

### **Footwear**

- Maintenance Staff must wear Safety Shoes or boots with Steel Toe Cap.
- Cleaning Staff must wear Black Non Slip soled closed in shoes or boots.

### **Appearance**

1. Employees must maintain a clean professional appearance
2. Where provided uniforms will be neat and clean at the start of each day.

### **Responsibility**

1. Employees are responsible for all uniforms assigned to them.
2. Employees will be financially responsible for any losses or damages to uniforms that occur outside normal work conditions/ procedures.

## **2.4 Information and Communication Technology (ICT) Acceptable Usage Policy.**

### **Objectives**

The objectives of the VEC Internet and Email Policy are to:

- Provide secure and controlled access to the Internet from the Desktop PC
- Ensure the VEC Information Systems are in no way put at risk
- Define statutory responsibilities in relation to National and International legal requirements governing electronic information exchange and commerce
- Define standards of use for Email within the VEC
- Define the course of action to be adopted should there be contravention of the procedures, rules and guidelines outlined in this policy.

### **Scope**

This policy applies to any person authorised to have access to The Vocational Education Committee's information systems. This includes the VEC's employees, contractors to the Committee and consultants engaged by the Committee hereafter collectively referred to as employees for the purpose of this policy.

---

This policy applies to all electronic communications systems provided by The VEC including, but not limited to internet, intranet, e-mail, personal computers and laptops, digital cameras, PDA's (personal digital assistants e.g. Palm) analogue telephones, mobile telephones and fax machines. It is the responsibility of both management and staff of the Committee to ensure that all such tools are used in accordance with this policy.

All users are expected to use common sense and to conduct themselves in a manner which is appropriate to the execution of duties in the workplace. Breaches of this policy may result in personal liability of users and/or vicarious liability on behalf of the Committee under many enactments including, but not limited to the following:

- Employment Equality Acts, 1998 and 2004
- Equal Status Act, 2000
- Data Protection Acts, 1988 & 2003
- The Vocational Education Acts, 1930 - 2001
- The Companies Acts 1963 - 2001
- Copyright and Related Rights Act 2000
- Child Trafficking and Pornography Act 1990

Other documentation that is relevant to this policy includes the Committee's policies on:

- Grievance and Discipline
- Dignity and Respect at Work - Equality and Diversity
- Harassment and Sexual Harassment
- Bullying in the workplace

### *General Computer Usage Regulations and Guidelines*

#### *Content*

All electronic communications created or received using equipment or services owned or provided by The VEC will be regarded as the property of The VEC.

#### *Security and Passwords*

All equipment provided by the Committee for use by staff remains the property of The Vocational Education Committee. Employees must not remove any such equipment (computers, laptops, mobile telephones, etc.) from the Committee's premises without prior authorisation from their Manager/CEO.

It is the user's responsibility to be informed of the correct operating procedures for the computer resources or products used. A user who is uncertain as to the correct procedure in any situation should obtain clarification before proceeding.

Users must not engage in conduct that interferes with other's use of shared computing resources and/or the activities of other users.

Users must not utilise any other person's access rights or attempt to gain access to resources or data for which authorisation has not specifically been granted. Users must not

---

attempt to bypass or probe any security mechanisms governing access to the computer systems.

No staff member may misrepresent himself / herself as another individual. This includes using another staff member's username and password.

Passwords must remain confidential to each user and must not be relayed to any other person. Each user carries sole responsibility for security access to his/her computer.

### ***Software Ownership***

All software which is provided by the Committee to an employee is licensed and owned by the Committee and may not be downloaded, stored elsewhere or transferred to another individual by any employee of the Committee.

Under no circumstances should software be downloaded from the Internet or installed from any other source and used on the Committee's machines without the prior permission of the Manager/CEO. Any breach of these requirements may result in disciplinary action

### ***Confidentiality***

When a user registers with a site or a service in the name of the Committee the resulting spamming of information may tie up the communications system. Users must not register with an electronic service over the website without prior permission from their Manager/CEO, to avoid the release of confidential Committee information to third parties and to avoid interference with the communications systems.

Users must maintain confidentiality while carrying out their duties and while on Committee business.

### **Privacy**

It should be understood that the Committee does not provide users with a guarantee or to the right to privacy or confidentiality in connection with the use of any technology and users should have no expectation of privacy in the use of the Committee's IT resources.

### ***Monitoring Policy***

The VEC reserves the right and intent to monitor e-mail content and Internet usage to ensure technology is being used properly and to protect the Committee and it's employees from liability under equality, data protection, pornography and copyright legislation. This does not constitute infringement of any individual rights to personal privacy under the Data Protection Acts 1988 and 2003.

Monitoring is carried out on a message size virus protection, correct file attachments extensions, access to external system (including web/internet sites) this list is not exhaustive. Monitoring developments may change over time. In addition the Committee will monitor all PC's for inappropriate image and content.

### ***Legal Implications of Storing Electronic Data***

All information held in electronic format is subject to legislative requirements, as is information held in paper format. These requirements include but are not exclusive to Copyright, Data Protection and Freedom of Information Legislation and the liabilities which may result from breaches of such legislation.

---

All data must be stored in an up-to-date format. Personal information may contain only information relevant to the individual and to the purpose for which it is being stored. Data must not be used for any other purpose. This data must be maintained in an accurate format and must be altered if the user/Committee becomes aware of inaccuracies.

It is an offence to alter or falsify documents in an electronic format or paper / hard copy format. Care must be taken when forwarding or sending information which has been received from a third party or which is specific to another organisation.

Employees should be aware that merely deleting information may not remove it from the system and deleted material may still be reviewed by the employer and / or disclosed to third parties.

### ***Material of obscene or offensive nature***

Users are subject to all legislation regulating the use of the Committee's IT/Communications resources. Users must not store, download, upload, circulate or otherwise distribute material containing:

- a) Any derogatory comment regarding gender, marital status, family status, sexual orientation, religious or political belief, age, disability, race or membership of the travelling community or other categories pursuant to applicable law.
- b) Any material of a pornographic nature.
- c) Any material of a paedophilic nature.
- d) Material containing offensive or foul language.
- e) Any content prohibited by law.

If an employee receives any offensive, unpleasant, harassing or intimidating messages via e-mail or other computer sources the employee should:

- a) Bring it to the attention of their Manager/CEO/HR Manager;
- b) Inform the sender that such images are offensive and that they should refrain from sending such images in future; and
- c) Delete the message.

### ***Virus Protection***

Viruses can enter an organisation a number of different ways:

- (a) Un-scanned digital storage media (e.g. CDs, DVDs, floppy disks, USB memory sticks) being brought into the organisation.
- (b) E-mails or attachments
- (c) Downloaded data from the Internet.

Individuals using electronic information must be familiar with and comply with the Committee's procedures governing usage of floppy discs, cds and other software.

No computer user may interfere with or disable the Anti Virus software installed on their desktop PC.

### **E-Mail**

Many employees have a personalised e-mail account to facilitate the sending and receiving of business messages between staff and between the Committee and its clients and

---

suppliers. While email brings many benefits to the VEC in terms of its communications internally and externally, it also brings risks to the organisation, particularly where employees use it outside of their The VEC roles.

Every employee has a responsibility to maintain the Committee's image, to use electronic resources in a productive manner and to avoid placing the Committee at risk for legal liability based on their use. It should be remembered that the contents of e-mail are considered as official records for the purpose of legislation such as Freedom of Information Act, National Archives Act, Data Protection Acts.

***Risks Associated with E-Mails***

- (a) Messages can carry viruses that may be seriously damaging to the VEC's systems.
- (b) Letters, files and other documents attached to mails may belong to others and there may be copyright implications in sending or receiving them without permission.
- (c) It has become increasingly easy for messages to go to persons other than the intended recipient and if confidential or commercially sensitive, this could be breaching the Committee's security and confidentiality.
- (d) E-mail is speedy and, as such, messages written in haste or written carelessly are sent simultaneously and without the opportunity to check or rephrase. This could give rise to legal liability on the part of the Committee.
- (e) An e-mail message may legally bind the Committee contractually in certain instances without the proper authority being obtained internally.
- (f) E-mails should be regarded as potentially public information which carry a heightened risk of legal liability for the sender, the recipient and the organisations for whom they work.

***Rules for E-Mail Use***

The content of any e-mail must be in a similar style to that of any written communication such as a letter or report as they have the same legal standing. It is important that e-mails are treated in the same manner as any other written form of communication in terms of punctuation, accuracy, brevity and confidentiality. Similarly any written, stored or forwarded and disseminated information must adhere to the guidelines within the Data Protection and the Employment Equality legislation and in accordance with the equality policy of the Committee.

In order to avoid or reduce the risks inherent in the use of e-mail within the Committee, the following rules will be implemented:

- (a) The following text will appear at the end of every e-mail sent from your Committee address to an external address. This will be inserted automatically by the e-mail system:

\*\*\*\*\*

The information transmitted in this e-mail is intended for the addressee only and may contain confidential and/or privileged material. Any review, retransmission, dissemination, reliance upon or other use of this information by persons or entities other than the addressee are prohibited. Opinions expressed in this e-

---

mail may be personal to the author and are not necessarily the opinions of the VEC, if you received this in error, please contact the sender and delete this material.

\*\*\*\*\*

- (b) The Committee's name is included in the address of all staff members and is visible to all mail recipients. This reflects on the image and reputation of the organisation. Therefore, e-mail messages must be appropriate and professional.
  - All Email is to be written in accordance with the standards of any other written communication, the content and language used must be consistent with VEC best practice and each message must be carefully addressed to ensure that they reach the target recipient.
- (c) Correct spelling and punctuation should be maintained in all communications.
- (d) E-mail is provided for business purposes.
- (e) Occasional and reasonable personal use of e-mail is permitted provided that this does not interfere with the performance, work duties, responsibilities and customer service of the Committee, does not support any business other than the Committee and otherwise complies with this policy.
- (f) An e-mail should be regarded as a written formal letter, the recipients of which may be much more numerous than the sender intended. Therefore any defamatory or careless remarks can have serious consequences, as can any indirect innuendo. The use of indecent, obscene, sexist, racist, harassing or other inappropriate remarks whether in written form, cartoon form or otherwise is forbidden.
- (g) E-mails must not contain matters which may discriminate on grounds of gender, marital status, family status, age, race, religion, sexual orientation, disability or membership of the Traveller community.
- (h) E-Mails must not contain any inappropriate or lewd content or content likely to cause offence to individuals.
- (i) Distribution lists may only be used in connection with Committee business.
- (j) Particular care should be taken when sending confidential or commercially sensitive information. If in doubt please consult your manager.
- (k) Great care should also be taken when attaching documents as the ease with which employees can download files from the Internet or 'cut and paste' materials from electronic sources increases the risks of infringement of the rights of others particularly to copyright, intellectual property and other proprietary rights.
- (l) Where important, you should obtain confirmation that the intended recipient(s) have received your e-mail.
- (m) Documents prepared internally for the public or for clients may be attached via the e-mail. However, excerpts from reports other than our own, may be in breach of copyright and the author's consent should be obtained particularly where the excerpt is taken out of its original context. Information received from a customer should not be released to another customer without prior consent of the original sender. If in doubt consult your manager.
- (n) Do not subscribe to electronic services or other contracts on behalf of the Committee unless you have express Committee to do so.
- (o) If you receive any offensive, unpleasant, discriminatory, harassing or intimidating messages via the e-mail system you must immediately inform your manager or the HR manager.

- 
- (p) It is specifically prohibited to use the Email system for storage, distribution of unsavoury materials, indecent, obscene, pornographic or libellous material.
  - (q) Chain mails or unsuitable information must not be forwarded internally or externally.
  - (r) The Committee reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose or where it deems necessary.
  - (s) Notwithstanding the Committee's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorised to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior written approval from the employer. However, the confidentiality of any message should not be assumed. Even when a message is erased it is still possible to retrieve and read that message.
  - (t) Information Security must authorise distribution of advertisements, mail shots or product material via external mail in advance.
  - (u) If you receive unintended Email it is vital that you alert the sender by reply. Should the Email contain confidential or sensitive information, you must not disclose this information to any other Group or individual
  - (v) All attachments received should only be opened when employees have first checked the authenticity of the sender and validity of the attachment. All other attachments should be deleted or referred for clearance.
  - (w) Should Email received by you contravene VEC Policy - you should inform your Manager immediately.

### ***The Internet/Intranet***

Access to the Internet / intranet is provided to staff as necessary solely for the purpose of conducting the Committee's business.

#### ***Rules for Internet use***

- (a) The Committee's Internet connections are intended for activities that either support the Committee's business or the professional development of employees. During working hours staff should minimise web surfing that is unrelated to these activities.
- (b) General Internet access will only be provided to authorised personnel. Authorised personnel will have responsibility for Internet access under their account and hence will also have responsibility for illicit use of their account with or without their consent.
- (c) Internet usage is monitored on a systematic basis and as deemed necessary by the Committee.
- (d) To prevent viruses from being transmitted through the system unauthorised downloading of any software programmes or other material is forbidden.
- (e) Internet use is not permitted for personal gain or profit or to represent yourself as someone else.
- (f) It is a disciplinary offence to access, download, save, circulate or transmit any racist, defamatory or other inappropriate materials or materials that may discriminate on the grounds of gender, marital status, family status, age, race, religion, sexual orientation, disability or membership of the Traveller community. This rule will be strictly enforced and is viewed very seriously with potential criminal liabilities arising there from.

- 
- (g) It is a disciplinary offence to access, download, save, circulate or transmit any indecent, obscene, child pornographic or adult pornographic material.
  - (h) If an employee is downloading pornographic images within view of a colleague or forwarding those images to a colleague, this may result in harassment or sexual harassment by offended parties. Such incidents should be reported to the relevant Committee. Apart from any potential offence caused and the inappropriateness of such activity, the Committee may be vicariously liable for any claims arising from such behaviour.
  - (i) Because of the serious criminal implications of accessing child pornography, any employee found to be accessing such information may be summarily dismissed and the matter referred to An Garda Síochána. Furthermore, should an employee be prosecuted under the Child Trafficking and Pornography Act, 1998, by engaging in such activities outside the remit of the workplace, the Committee may find it fitting to invoke disciplinary action.
  - (j) The Internet must not be used to pay for, advertise, participate in or otherwise support unauthorised or illegal activities.
  - (k) The Internet must not be used to provide lists or information about the organisation to others and/or to send classified information without prior written approval.
  - (l) Public messaging systems on the Internet must not be used by staff save with the prior written permission of a Manager. Public messaging systems include user groups, chat rooms, special interest forums bulletin boards and mobile phone texting sites.

#### ***Laptops and Remote Computers***

The rules applying to use of the internet and e-mail messaging systems apply also to any laptops, remote computers or other electronic processors in use by the staff member and supplied by the local Committee. Express permission must be obtained from the CEO or relevant Manager to remove such equipment from the Committee premises. All such equipment will be subject to the same monitoring procedure as that which is retained on-site.

#### ***Telephone Usage***

Access to telephones is intended for Committee purposes only. While reasonable making and taking personal calls is not strictly prohibited, staff are encouraged to keep this to a minimum level. The Committee reserves the right to monitor the use of the telephone system.

Some mobile phones are provided to staff members for Committee business. Personal calls from such phones are permitted but the calls must be paid for by the staff member. Where such personal calls are necessary staff should seek to use an analogue telephone where possible. For more specific information see The VEC's Mobile Phones Acquisition and Usage Policy.

During office hours taking and/or making calls on personal mobiles is not strictly prohibited, however, staff are encouraged to keep such calls to a minimum.

#### ***Other Electronic Tools***

Other electronic equipment (e.g. fax machines, photocopiers etc.) remain the property of the Committee and as such must be treated with care and used only for Committee

---

purposes. Abuse of equipment for personal use or gain may result in use of the disciplinary procedures and in disciplinary action.

### ***Removable Media***

No removable media such as CD, DVD, USB drive or floppy disc that contain data or files may be used without first obtaining advice from IT support.

### ***Infringements of Policy***

Failure to comply with the policy and guidelines outlined above may result in:

- The withdrawal of e-mail and Internet facilities from the Section, Staff or members involved;
- Initiation of disciplinary procedures and disciplinary action, up and to including dismissal.
- Serious breaches of the policy may result in initiation of criminal or civil proceedings.

### **Policy Enforcement**

Users should report any suspected abuse of computer and network resources, or any unpleasant material or e-mail that may come to their attention as well as any suspected damage or problems with files.

Users, when requested, are expected to co-operate with system administrators and/or other authorised staff in any investigation of system abuse.

North Tipperary VEC reserves the right to examine any files-held on its computer systems.

Any user found in breach of this policy shall be liable for legal and North Tipperary VEC disciplinary procedures.

This policy is subject to regular review and will be updated when revisions are necessary.

## **2.5 Personal Telephone Calls**

While it is recognised that from time to time that there may be a need for staff to make or take telephone calls during normal working hours, the time taken on such calls should be kept to the absolute minimum necessary.

## **2.6 Personal Appointments**

It is advised that staff of the Committee schedule any and all personal appointments e.g. doctor and dentist visits outside of working hours.

## **2.7 Flexible Working Hours Scheme**

Due to the nature of the scheme and the number of staff required for its operation, the Flexible Working Hours Scheme is only available to administrative staff at North Tipperary VEC Head Office.

### **Introduction**

The Flexible Working Hours Scheme enables staff, within certain limits, to choose starting and finishing times. Also, staff are allowed to build up time and carry forward hours to allow for a 'flexi-day' to be taken off each month if required.

The degree of flexibility which will operate in any section will depend on the nature of the work of that section. Efficient service to customers, both external and internal, should be enhanced, not restricted by the Flexible Working Hours Scheme.

---

The scheme is intended to give administrative staff, up to and including Grade VII, the opportunity and responsibility of organising their working hours within clearly defined limits to overcome travelling problems and to fit in with special domestic and personal arrangements. The increased freedom which the system gives also brings greater responsibilities to all concerned. The continued success of the scheme is dependant upon the manner in which individual staff members avail of the scheme.

### **Operation**

The scheme will be monitored by the Human Resources (HR) Department. A full copy of the Flexible Working Hours Policy is available from the HR Department.

It is the responsibility of each Head of Department to ensure that;

- o deadlines for each section continue to be met as required
- o work flow and output are maintained
- o staff are adequately supervised
- o a sufficient number of staff are in attendance for the particular running requirements of the section
- o adequate cover is available at all times during standard hours of business
- o staff do not exceed the permitted debit or credit hours to be carried forward

Each employee availing of the Flexible Working Hours Scheme is expected to abide by the general rules of the scheme and follow the roster for daily lunchtimes in each Department.

### **Employees on Short-term Contracts**

Due to the nature of the Flexible Working Hours Scheme, it is not available to staff on any contract shorter than three months.

## **2.8 Freedom of Information**

The Committee is not yet subject to the terms of the Freedom of Information Acts 1997-2003. However, our policies and procedures reflect our future binding obligations in this regard.

## **2.9 Data Protection**

North Tipperary VEC is subject to the provisions of the Data Protection Acts 1988 - 2003 and accordingly is registered with the Office of the Data Protection Commissioner as a data processor and a data controller.

As a data controller, North Tipperary VEC ensures the privacy rights of staff are safeguarded in relation to the processing of their personal data. The Data Protection Acts 1988 and 2003 grant you rights relating to this personal information and impose obligations on data controllers.

These rights apply where the information is held:

- o on computer, or
- o in a manual form, as part of a filing system or intended to form part of a filing system that facilitates access to a specific individual's information.

1. Right to have your data processed in accordance with the Data Protection Acts
2. Right to be informed
3. Right of access
4. Right to establish existence of personal data
5. Right of rectification or erasure
6. Right to block certain uses
7. Right to have your name removed from a direct marketing list
8. Right to object
9. Freedom from automated decision making
10. Rights under Data Protection and Privacy in Telecommunications Regulations

---

## 2.10 Access to Personal Records

It is the policy of North Tipperary VEC to allow employees of the Committee individual access to information in their own files or all files containing their personal data held by the organisation, whether held in automated or manual form.

It is North Tipperary VEC's intention to adhere to the principles set out in the Data Protection Acts 1988 and 2003. North Tipperary VEC makes every effort to ensure that employee information is maintained in a manner which is accurate, relevant, and is held securely at all times.

Under the Act, an employee is entitled to make a request to access his/her personal data as held by the organisation, whether centrally by Human Resources, or by the employees manager. To make a request for access to personal data, the following procedure must be followed.

### Procedure

The employee must make an application in writing to the HR Department.

Upon receipt of an access request, the HR Department will acknowledge the request, and, within 40 days, a hard copy of the information held will be made available for inspection by the employee.

The following will also be supplied, unless the written request specifies otherwise;

- the categories of information held, and the corresponding purposes for which the various categories of data are held,
- the identity of those to whom the data is disclosed,
- the sources of the information,
- an explanation of the logic involved where automated decisions have been made based on the information,
- where information is held in an encrypted form, or is coded in any way, then the employee will be furnished with the means of interpreting this information.

Should the employee discover any inaccuracies or areas that require updating, he/she should inform the HR Department of this fact as soon as possible. Should a dispute occur in this regard the decision of the CEO will be final.

Based on the CEO's decision and where applicable the HR Department will update the agreed amended data on the original file within 5 working days of receipt of such a request, and will inform the employee of the update by providing an updated copy of the personnel file/information.

## 2.11 Transfer Guidelines

Specific work locations are assigned to each staff member employed by North Tipperary VEC. Staff may be transferred from one work location to another by the CEO in line with the needs of the service.

The following definitions apply to transfer:

- Involuntary transfer takes place when a staff member is transferred, without requesting it, to another Centre/School/College. In general, involuntary transfers are kept to a minimum and take place following consultation with the staff concerned and the relevant union.
- Voluntary transfer takes place when a staff member volunteers to transfer to a vacancy which would otherwise be filled by a compulsory transfer

- 
- o Requested transfer takes place when a staff member formally requests transfer, for his/her own convenience, to another Centre/School/College. Staff requesting such a transfer must apply in writing to the CEO in accordance with the time frame in the memo circulated by the Human Resources Department in February of each year.

For further advice in relation to transfer please contact the HR Department.

## 2.12 Secondment

Secondment is an arrangement which facilitates the temporary assignment of a member of staff to a specified short-term position in another organisation. In order to be eligible to apply for a secondment from North Tipperary VEC, a member of staff must be employed in a permanent capacity or have a Contract of Indefinite Duration (CID) and have successfully completed any probationary and/or induction periods required.

A secondment must be based on mutual agreement between the member of staff, North Tipperary VEC and the external (host) organisation. A secondment arrangement must:

- o be demonstrated to be of clear benefit to the educational system and/or is in the public interest
- o specify the exact duration of the secondment and
- o specify that the seconded staff member will return to the employing authority at the end of the fixed term.

The minimum period for which a secondment may be granted shall normally be one year. For teaching staff the secondment period commences on the 1st September and ends on the following 31st August. In exceptional cases, where a secondment commences after 1st September, the period of secondment shall end on the following 31 August.

Where the services of the secondee are required for a period longer than one year the period may be extended in increments of one full year.

Circular Letter 0107/2006 (including an application form), which details the full terms and conditions and entitlements in relation to a member of teaching staff wishing to avail of Secondment, is available from the HR Department.

## 2.13 Career Break

### Guidelines

A career break may be granted at the discretion of the Chief Executive Officer, on the recommendation of the Principal/Manager, to permanent wholetime members of staff who have satisfactorily completed their probationary period, and to holders of contracts of indefinite duration subject to relevant Department of Education and Science circulars letters. The duration of a career break may not extend beyond the end of the school year following the staff members 60th birthday. The purpose of the scheme is to provide a wider range of attendance patterns that will assist staff combine both work and personal responsibilities or choices.

The operation of the career break scheme is subject to the condition that the operating requirements of North Tipperary VEC are not adversely affected. Consequently, all applications for career break will be considered in the context of organisational needs, and the ability of North Tipperary VEC to obtain a suitably qualified replacement staff member.

While every effort will be made to facilitate staff who wish to avail of a career break, it may be necessary to limit the numbers, or it may not be practicable to allow the scheme to operate in some areas. Similarly, where there are a number of applications from a particular work area it may be necessary to limit the number of participants in the scheme from that area. In this context it will be necessary to ensure that a balance is struck between the rights of those

---

availing of the scheme and those not availing of the scheme. Therefore, each application will be considered on the individual merits of both the applicant and the work area to which s/he is assigned.

### **Length of a Career Break**

A career break may be granted for a minimum period of one year, and a maximum period of five years with some exceptions.

In the case of teaching and analogous grades of staff the career break will correspond with the academic year. In exceptional circumstances, a teacher may commence a career break during the course of the academic year; in such instance, however, the period of special leave will end not earlier than the end of the following school year and will be deemed to be a two year career break. The total period of a career break shall not exceed five years in all.

### **Application Procedures**

Applications for career breaks should be made in accordance with the memo sent in February of each year. In the first instance your application for career break must be discussed with your Principal/Director/Co-Ordinator/Manager.

### **Reasons for granting a Career Break**

A career break may be allowed for most purposes such as child rearing, other domestic responsibilities, starting a business, educational purposes and travel abroad. A career break will not be granted where there is a potential conflict of interest between the employment in which the staff member proposes to engage and the educational purposes of recognised schools.

A teacher on a career break is precluded from taking up an appointment in a permanent, temporary whole-time, eligible part-time or regular part-time teaching post in any second level or primary school within the State. A second level teacher on career break is also prohibited from engaging in substitute teaching except on an intermittent or casual basis. The taking up of a permanent teaching post in a third level institution within the state is not allowed whilst a person is on career break. A person whilst on career break from a second level school may take up an appointment (non permanent) in a third level institution for a maximum of three school years.

### **Posts of Responsibility**

The period of career break will not be reckonable towards the minimum qualifying period of service prescribed for appointment to Posts of Responsibility.

A teacher on career break is eligible to apply for a vacant Post of Responsibility which occurs within the school. If his/her application is successful the post may be filled by the acting appointment from school year to school year provided the post is warranted by reference to the schedule of posts of responsibility for the school. A teacher may be required to end a career break at the end of the school year that s/he accepts an appointment to a Post of Responsibility.

### **Resumption of Duty following a Career Break**

A staff member will retain an entitlement to resume duty in a permanent post or contract of indefinite duration as appropriate on the termination of the approved period of the career break. The right to return to work will be dependant on the approved staffing levels at the termination of the career break.

A teacher appointed or re-appointed to a permanent post after the 1<sup>st</sup> August, 1998 who is on career break for two years or more, and proposes to resume teaching duty must submit to the managerial authority of the school prior to resumption a medical certificate of fitness to resume teaching duty. Where a career break of less than two years is preceded by a period of exceptional ill health a medical certificate of fitness to resume duty must be submitted prior to resumption of duty. A teacher who was appointed to a permanent teaching post prior to the 1<sup>st</sup> August 1998 may be required to submit to the managerial authority prior to resumption a medical certificate of fitness to resume teaching duty where the period of absence exceeds two

---

full school years. Payment of salary will only be made to a teacher when s/he resumes teaching duty after the termination of a career break.

A teacher on career break for a total of five years must resume full time teaching duty for a minimum period of one school year before s/he may be granted leave of absence for study purposes.

#### **Resigning while on Career Break**

A staff member on a career break who wishes to resign from his/her post must give North Tipperary VEC notice in writing in accordance with the terms of their contract of employment.

#### **Social Welfare Entitlements**

All employees pay PRSI contributions at either Class A or Class D rates. The Class A rate gives cover for all Social Welfare benefits and pensions. The Class D rate gives limited cover, including cover for Spouse's Pension and Orphan's Pension. It is important to note that Social Welfare benefits and pensions may be payable in addition to benefits and pensions to which the employee and his/her family may be entitled under the Education Sector Superannuation Scheme.

Employees are advised, therefore to contact their local office of the Department of Social, Community and Family Affairs prior to taking a career break regarding methods of maintaining their entitlement to Social Welfare benefits and pensions during their career break. These methods include:

- Payment of voluntary PRSI contributions
- Payment of PRSI contributions arising out of employment or self-employment
- Crediting of PRSI contributions by the Department of Social, Community and Family Affairs arising out of periods of unemployment or sickness which occur following a period of employment in a position which the staff member has taken up during his/her career break.

#### **Superannuation**

Special leave without pay will not reckon for superannuation. Employees while on career break may opt to reckon the period of the career break for superannuation purposes by purchasing notional service when they resume.

#### **Incremental Credit**

The period of a career break will not reckon for the award of incremental credit.

#### **Voluntary Deductions**

Voluntary deductions will cease from the date an employee goes on career break. Employees on career break are advised to make arrangements with the appropriate agencies if they wish to continue with the payment of voluntary deductions. Employees should also ensure on resumption of duty after a career break that the deductions are resumed.

#### **Other Special Leave**

Nothing in this scheme will prejudice existing arrangements for the granting of other categories of special leave.

## **2.14 Work Share Scheme**

The Work Share Scheme applies to administrative and support staff and analogous staff groupings. All staff with at least one year's continuous satisfactory service with the Committee may apply to work-share.

The purpose of the scheme is to provide a wider range of attendance patterns that will assist staff combine both work and personal responsibilities or choices.

---

The operation of the scheme is subject to the condition that the operating requirements of North Tipperary VEC are not adversely affected. Consequently, all applications to participate in the scheme will be considered in the context of organisational needs, and the ability of North Tipperary VEC to obtain a suitably qualified replacement staff member.

While every effort will be made to facilitate staff who wish to participate in the scheme, it may be necessary to limit the numbers, or it may not be practicable to allow the scheme to operate in some areas. Similarly, where there are a number of applications from a particular work area it may be necessary to limit the number of participants in the scheme from that area. In this context it will be necessary to ensure that a balance is struck between the rights of those availing of the scheme and those not availing of the scheme. Therefore each application will be considered on the individual merits of both the applicant and the work area to which s/he is assigned.

In considering an application to participate in the Work Share Scheme, it may be necessary to transfer an applicant to other duties that allow a more flexible attendance pattern than the applicant's current position. This will be recommended by Principal/Director/Co-Ordinator/Manager in consultation with the staff member and approved by Human Resources Department.

### **Scope and Conditions of Scheme**

Attendance patterns under the Work Share scheme may be as outlined below.

#### **Attendance Patterns**

**1. Attendance at work at least one day each week.**

Patterns include:

- mornings only
- afternoons only
- split week i.e. two days/three days
- three day week
- four day week

**2. Not required to attend work at least one day each week.**

- week on - week off

**Note:**

Some working patterns may have implications for PRSI contributions and ultimately may affect claims under the PRSI scheme.

#### **Duration**

The minimum period for which a person may opt to work-share is twelve months. Those participating in the scheme may choose only one attendance option in a 12-month period. It will not be possible to work a compressed working week (e.g. working weekly hours in four days rather than five) while on work-share.

Those working a reduced fixed daily attendance regime, (e.g. mornings only) may, in certain circumstances, continue to avail of the Flexible Working Hours Scheme. Participants in the Work Share Scheme remain at all times employees of North Tipperary VEC and subject to the law relating to such employment.

#### **Application Process**

In the first instance your application for work share must be discussed with your Principal/Director/Co-Ordinator/Manager and forwarded to the Human Resources Department, by the closing date for receipt of such applications as advised by memo issued from the

---

HR Department in February of each year.

Applications, subject to local agreement of the necessary arrangements in relation to timetable, attendance patterns etc., will normally be approved in the first instance by the Principal/Manager and then the CEO.

### Review

Individual Work-share patterns will be reviewed after twelve months, or earlier should the need arise, to ensure that the flexible attendance pattern continues to reflect the needs of the service and the personal responsibilities of the staff member participating in the scheme.

Where the Work-sharing arrangement is considered by the Principal/Director/Co-Ordinator/Manager to be unsatisfactory, whether in the light of the operating needs of the VEC or section or otherwise, the Work-sharer(s) may be required, to alter his/her attendance pattern or to resume full-time duties. Should this arise the Work-sharer will be informed of the reasons for the proposed change.

A person who resumes full-time working, other than on promotion or as directed by management, may not recommence works-haring within twelve months.

### Purpose

Application for Participation in the Work-sharing Scheme will be considered in respect of:

- Family responsibilities, e.g. childcare or caring for a dependant adult
- Educational purposes
- Exceptional sporting or cultural ability
  - A Work-sharing arrangement may be granted to facilitate a person to participate in a training programme or a practice regime to assist him/her prepare for an event or to allow a person to represent his/her country in a particular discipline. Alternatively, it may be granted to facilitate a person involved in coaching such a person.
  - A person who wishes to avail of Work-sharing for this purpose must have some confirmed recognition of his/her ability and intend to pursue his/her interest at a national or international level.
- The transition to retirement
- Assisting in meeting a person's individual circumstances
  - Applications will be considered for other purposes that assist staff in meeting special individual circumstances. These will be considered on a case-by-case basis.

### Termination of Work-sharing

North Tipperary VEC may require a participant in the Work Share Scheme to resume full time duties where it is satisfied that:

- a person is availing of the scheme for a purpose not allowed; or
- the conditions of the Work-sharing Scheme are not being complied with

In such a situation North Tipperary VEC reserves the right to give a notice period of not less than six weeks.

---

### Rate of Pay

Payment of salary will be made pro-rata based on the number of hours worked by the staff member, on the basis of a five day week. No payment will be made in respect of any other form of additional unpaid leave availed of.

### Calculation of pro-rata pay for participants in the Work-sharing scheme

Where there is an administrative arrangement to pay a person participating in the scheme in equal amounts the calculation of the pro-rata salary will be made by reference to a daily /half day rate of pay on a five day week basis.

Working Pattern	Weekly Calculation of Pay
Mornings/afternoons only	2.5 / 5ths
Week on/Week off or Split week	2.5 / 5ths
Three Day Week	3 / 5ths
Four Day Week	4 / 5ths

### Increments

Increments will be granted annually, subject to the normal rules, governing the granting of increments. When a staff member is returning to full-time duty at the same grade, s/he will continue to be paid at the same point of the pay scale.

### Annual Leave

The annual leave allowance of a Work-sharer will be adjusted pro-rata his/her agreed attendance regime, subject to the provisions of both the Organisation of Working Time Act, 1997 and the Part-Time Workers Act, 2001 and to the normal provisions governing the granting of annual leave.

In calculating the number of days' holidays to which an employee is entitled, all hours worked including overtime, rostered time spent on maternity, parental or adoptive leave as well as holidays and public holidays taken during the calculation period will be taken into account. Unpaid leave is not counted in calculating statutory minimum holiday entitlement with the exception of parental leave, which under current legislation is counted.

### Public Holidays and Privilege Days

The provisions of the Organisation of Working Time Act shall apply in respect of entitlements to a public holiday. Existing agreed arrangements in relation to additional payments to staff will continue to apply, where they are required to attend for work on a public holiday or privilege day.

### Statutory Leave Provisions

A person participating in the Work Share Scheme will retain all statutory leave entitlements, e.g. maternity leave, including health and safety leave, adoptive leave, parental leave and force majeure leave. Entitlement to Parental Leave is calculated on the basis of the number of hours worked during a reference period of 14 weeks in accordance with section 7(2) of the Parental Leave Act, 1998.

### Sick Leave

The sick leave provisions for a person participating in the Work-sharing Scheme will be adjusted pro-rata to their agreed attendance regime on a five day week basis, subject to the normal provisions governing the granting of sick leave.

The method by which sick leave is calculated for a person participating in the Worksharing Scheme will be adjusted on the basis of a five day week, i.e. - weekends will be excluded from the recording of sick leave taken.

- 
- A person working Tuesday, Wednesday and Thursday of each week, who is absent on all three days will have five days certified sick leave recorded (Monday, Tuesday, Wednesday, Thursday and Friday).
  - A person working mornings/afternoons only will have one day's sick leave recorded for each daily absence, up to five days in any week. A medical certificate will be required after two continuous day's absence.

### **Superannuation**

Participating in work-sharing will reduce pensionable service on a pro-rata basis. Pension contributions, in the case of work-sharers, will be deducted on a pro-rata basis. Advice in relation to the implications of work-sharing on pensionable service and calculations is available from Pensions Administration and Human Resources Department.

### **Probation and Acting Appointments**

For the purpose of probation (if applicable) and acting appointments, credit will be given for work-sharing service on the same basis as full-time service. Acting appointments will be filled as per local arrangements.

### **Promotion**

A person who is work-sharing may apply for promotion subject to eligibility criteria. While it may be possible for a person to continue to serve in a work-sharing capacity on promotion, an offer of promotion may be conditional on the staff member concerned undertaking to perform the duties of the higher grade on a full-time basis.

### **Overtime**

A person who is work-sharing may work overtime. Overtime rates will not be paid until work-sharing staff have worked in excess of the weekly hours normally worked by their appropriate full time comparator.

### **Extra Attendance**

Work-sharing staff may be required to attend work during normal office hours on days, or at times outside their scheduled work-sharing attendance pattern, (whether for purposes of attending training courses, attending meetings or for other official purposes).

Staff may not be requested to provide extra attendance during normal office hours without the prior approval of the Human Resources Department.

North Tipperary VEC reserves the right, in exceptional circumstances, to require individual work-sharing staff to resume duty on a full-time basis, for a temporary period. While it is not possible to prescribe in advance the exceptional circumstances that may give rise to such a requirement, it is expected that these occurrences will be rare. Staff will be notified formally in writing, well in advance, stating the nature of the exceptional circumstances and the likely duration of the requirement to work full-time.

### **Return to Full-time employment**

A staff member who has worked a work-sharing pattern for at least twelve months may apply to return to full-time duties, subject to the availability of a suitable vacancy. He/she must give six weeks notice to North Tipperary VEC of his/her intention to return to full time working. If a suitable full-time vacancy exists, it will be offered, in the first instance, to a person wishing to return to full-time working before being offered to the next person on the panel (where a panel exists).

### **Social Welfare Arrangements**

As the attendance pattern agreed may affect a person's social welfare contribution record (i.e. not all attendance patterns may reckon as 52 contributions in any or every year), staff are strongly advised to check with the Department of Social, Community and Family Affairs prior to

---

commencing work-sharing and to check the up-to-date position each time they renew a work-sharing agreement.

### **Matching Arrangements**

North Tipperary VEC reserves the right to agree an attendance pattern with a person participating in the work-sharing Scheme, without making up any consequential shortfall in attendance, provided that this is consistent with operating requirements and agreed staffing levels.

### **Flexible Working Hours**

Participants in the work-sharing scheme may, subject to the agreement of local management, avail of flexi-time in the normal manner where scheduled to work the full daily conditioned hours of service.

Where a person is scheduled to work a mornings only or afternoons only attendance pattern, existing arrangements in relation to flexi-time for Jobsharers will continue to apply.

## **2.15 Job-Share Scheme (For Second Level Teachers)**

The Job-Share Scheme is currently available to Permanent Wholetime Probated Teachers (excluding Principals, Deputy Principals and Home School Community Liaison teachers) and teachers who hold a Contract of Indefinite Duration (CID) for 22 hours per week.

In granting approval for any request the welfare and educational needs of the pupils will take precedence over all other considerations, other factors such as the number of approvals in any school year and the arrangements available for the teaching of classes will also be considered.

The Principal/Director/Co-Ordinator/Manager shall determine the particular attendance regime to apply to each shared post in consultation with the applicant. The timetable arrangements for job-sharing teachers will be designed to facilitate the teacher insofar as is practicable, however the particular needs of teaching posts will largely determine what patterns of job-sharing are possible. Every effort will be made to notify job-sharing teachers in advance of their timetabled hours and the pattern of job-sharing.

### **Basis of scheme**

- o Those participating on the scheme may share a wholetime teaching post on a 50:50 basis, both will be time-tabled to teach eleven hours per week, or
- o If a participant in the scheme does not have a job-sharing partner s/he will be time-tabled to teach eleven hours per week.

### **Eligibility**

All permanent wholetime probated teachers and holders of Contracts of Indefinite Duration with the exception of holders of posts of Principal, Deputy Principal and Home School Liaison teacher are eligible to participate in the scheme.

### **Duration of Leave**

A teacher must participate in the scheme for a minimum period of twelve months from the beginning of a school year. Each job-sharing arrangement must be approved annually by the Chief Executive Officer following consultation with Principal/Director/Co-Ordinator/Manager.

### **Application Process**

In the first instance, your application for job share must be discussed with your Principal/Director/Co-Ordinator/Manager and forwarded to the HR Department, by the closing date for receipt of such applications as advised by memo issued from the HR Department in February of each year.

---

Applications, subject to local agreement of the necessary arrangements in relation to timetable, attendance patterns etc., will normally be approved by the CEO.

Applicants who receive approval may not normally withdraw from the scheme after 17<sup>th</sup> June of the preceding school year.

### **Resumption of Full-time Employment**

Resumption of full time employment will be subject to the terms of any existing redeployment scheme or any redeployment scheme agreed from time to time between the management authorities, unions and the Department of Education and Science.

In exceptional circumstances, applications for an earlier return to full-time employment may be considered, provided that the applicant can be accommodated within the approved staffing allocation.

### **Duties**

It will be a matter for the Principal/Director/Co-Ordinator/Manager in consultation with the job-sharer(s) to ensure that satisfactory arrangements are made to fulfil the responsibilities of the wholetime post, to the optimum benefit of the welfare and educational needs of students. A job-sharing teacher must be available for parent meetings, staff meetings, etc. in accordance with school policy and agreements.

### **Pay**

Job-sharing teachers participating in the scheme in general enjoy pro-rata arrangements with their full-time colleagues in relation to salary, teaching hours and conditions of employment.

### **Incremental Credit**

A job-sharing teacher will qualify for incremental credit on the basis of one increment per year of job sharing. Job-sharing teachers returning to full-time teaching shall remain on the same point of the scale as they were on whilst job-sharing.

### **Post of Responsibility Holders and Job-sharing**

An Assistant Principal or a Special Duties Teacher can retain his/her Post of Responsibility allowance whilst job-sharing provided that the duties of the post can be performed in full by the person. A written undertaking must be given in this regard.

If following consultation between the job sharer and the Principal/Director/Co-Ordinator/Manager it is not possible for the job-sharing teacher to perform the full duties of the post for the period of the job-sharing arrangement, s/he shall forfeit the allowance. The allowance shall be restored on resumption of full time duties.

### **Promotion**

A job-sharing teacher will be eligible for promotion, subject to the following conditions:-

- For the purpose of reckonable service, credit will be given for job-sharing service upon the same basis as full-time service.
- An offer of appointment to a post of Principal or Deputy Principal will be conditional on the teacher concerned undertaking to perform on a full time basis the duties of the new post.

### **Compassionate Leave**

Three days leave with pay is allowable if the job-sharing teacher is scheduled to be in attendance on the days that the compassionate leave is sought. The prior approval of the managerial authority must be obtained.

### **Maternity Leave / Adoptive Leave**

---

Generally, the provisions of the Maternity Protection Acts, 1994-2004 (and subsequent budgetary amendments) and the Adoptive Leave Acts, 1995-2005 and the relevant Statutory Instruments apply under the Job Share scheme. The Acts make no distinction between staff who are working full-time and staff who are job-sharing.

While on maternity leave or adoptive leave, any salary paid to a job-sharing teacher will be at the job-sharing rate in accordance with the provisions regarding payment during maternity leave or adoptive leave in force at the time.

Where a teacher commencing job-sharing in a particular school year is absent on maternity leave or adoptive leave which overlaps the school vacation in the previous year, the teacher will be granted full leave in lieu entitlement at the full time rate. If a job-sharing teacher, absent on maternity leave or adoptive leave which overlaps school vacation in a particular year, returns to full-time teaching in the following school year, the teacher will be granted leave in lieu entitlement at the job-sharing rate.

#### **Sick leave:**

Salary may continue to be paid to a job-sharing teacher during absence owing to illness for a period, or periods, which in the aggregate do not exceed 365 days in any four consecutive years subject to the conditions listed hereunder:

- In the case of job-sharing teachers timetabled for 167 days annually each working day's absence on grounds of ill-health counts as one day's sick leave.
- In the event that a job-sharing teacher is not timetabled for 167 days annually each day's absence on grounds of ill-health on which the teacher is scheduled to be in attendance counts as two days sick leave subject to a maximum of five days sick leave being reckoned for five school days in any week. Where sick leave absences span weekends, each intervening weekend shall count as two days.
- In reckoning the aggregate sick leave, casual absences will be taken into account, as will periods of school closure occurring in the course of a teacher's absence, unless a Medical Certificate is furnished indicating the date of termination of sick leave.
- The maximum uncertified sick leave allowance in any twelve month period will be as for full time teachers in the case of teachers in attendance for 167 days. In the case of teachers in attendance for less than 167 days the uncertified sick leave allowance will be pro rata the current allowance.

#### **Medical Certification**

Certification in respect of sick leave from a qualified medical practitioner will be required as follows:

- Where the teacher is in attendance for 167 days annually a medical certificate will be required in respect of absences exceeding three days in any one instance.
- Where a job-sharing teacher is not required to be in attendance for 167 days annually a medical certificate will be required in respect of absences of more than two consecutive days on which s/he is scheduled to be in attendance.

#### **Outside employment**

Job-sharing teacher may not engage in outside employment without the permission of the CEO, which must be obtained beforehand, and that consent will only be given where it is clear that such outside employment will not affect the teacher's work with the Committee or be in conflict and or competition with it.

Job-sharing teachers may not engage in regular part-time or long term substitute teaching.

---

## Superannuation

Service as a job-sharing teacher is reckonable for superannuation benefits on the basis as that each year of service given in a job-sharing capacity will reckon as six months full-time service for superannuation purposes. Pensionable salary will be based on full-time salary.

## 2.16 Jury Service

Employers and employees entitlements and obligations regarding Jury Service are covered by the Juries Act, 1976, (No. 4/1976). The act provides that when an employee is called for jury service his or her employer must continue to pay him or her for the duration of the absence. There is therefore no break in service in respect of the contract of employment.

With very few exceptions, Jury Service is obligatory for every citizen between 18 and 70 years of age who is entered on the Register of Electors. North Tipperary VEC encourages employees to make every effort to report for Jury Service when called. There are a limited number of reasons why an employee might be exempt from serving on a Jury - for a particular period only. Reasons might include pressure of work, sickness or absence from the country.

### Duration

An employee who receives a summons for jury duty will be entitled to time off with pay for the required length of time. If an employee is not required to attend court, s/he is expected to report to work each day.

### Process

An employee who is summoned to jury duty must:

1. Inform his/her Principal/Director/Co-Ordinator/Manager as soon as possible and produce the original jury summons.
2. Submit an application in writing, suitably in advance and countersigned by the Principal/Director/Co-Ordinator/Manager, to the Human Resources Department enclosing a copy of the jury summons.
3. Certain categories of employees may be exempt from jury duty; the court will require the certification of the Chief Executive Officer to this effect.

## 2.17 Compassionate Leave

Compassionate Leave may be granted to provide staff with time away from work at a time of personal or family need such as death or serious illness of a family member. Leave with pay will be available as follows:

- o 5 days in the case of a spouse, child or parent
- o 3 days in the case of a brother, sister, grand-parent, aunt, uncle or parent in law

All arrangements for compassionate leave should be agreed with the Principal/Director/Co-Ordinator/Manager in the first instance. A certificate from a recognised medical practitioner will be required where compassionate leave is sought in relation to the serious illness of the family member.

## 2.18 Marriage Leave

Seven days paid leave may be granted to employees on the occasion of their marriage. One of these seven days must be the date of marriage.

This leave cannot be extended on the grounds that the school/office was closed during the week for a church holiday, public holiday etc. Neither can the leave be granted in retrospect.

An employee may be granted an additional seven days unpaid leave immediately following the paid leave of absence.

All applications must be made in writing not less than six weeks prior to the commencement of

---

the leave. Applications, in writing, should be forwarded to Leave Administration, HR Department.

## **2.19 Maternity Leave Guidelines**

**Staff Entitlements under the Maternity Protection Acts, 1994 -2004  
(and Budget Amendment 2005 implemented 1st March 2006)**

*Explanatory Note* - While all pregnant female staff are entitled to maternity leave, only certain categories of staff are entitled to receipt of maternity pay from North Tipperary VEC. Details of those categories of staff who qualify for Maternity Pay are available from the HR Department. Those who are not entitled to Maternity Pay may have an entitlement to Social Welfare Maternity Benefit (which is a Department of Social and Family Affairs payment), subject to having sufficient PRSI contributions. Should you require further information in this regard please contact the HR Department.

### **Entitlement to Maternity Leave**

If you become pregnant while in the employment of North Tipperary VEC, you are entitled to take maternity leave. The entitlement to a basic period of maternity leave from employment extends to all female employees (including casual workers), regardless of how long you have been working for the Committee or the number of hours worked per week.

### **The Application Process**

You should first of all inform your Principal/Director/Co-Ordinator/Manager of your intent to avail of Maternity Leave (to allow for adequate time to recruit a replacement, where appropriate).

You should then contact the HR Department, who will inform you of the necessary forms/steps. A medical certificate confirming pregnancy and specifying the expected week of birth should be forwarded to the H.R. Department at least four weeks before you intend to take leave.

### **Duration of Maternity Leave**

You are entitled to twenty-six weeks Maternity Leave, at least two of which must be taken before the birth and four of which must be taken after the birth. You must give at least four weeks written notice of your intention to return to work following Maternity Leave.

### **Additional Maternity Leave**

An additional period of up to 16 weeks leave may be taken immediately following the maternity leave period. This is referred to as 'additional maternity leave'. No social welfare benefit is payable during this period.

In order to avail of this Additional Maternity Leave, you must notify the HR Department, in writing at least four weeks before the end of your Maternity Leave, indicating the dates of the Additional Maternity Leave.

You may notify the HR Department, of your intention to take Additional Maternity Leave at the same time as notifying it of your intention to take Maternity Leave.

You must give at least four weeks written notice of your intention to return to work. Return to work is dependent on the four weeks notice, which is mandatory.

During maternity leave and additional maternity leave an employee will be deemed to be in employment and her employment rights with the exception of remuneration are preserved as if she were present at work.

---

### **Postponement of Maternity Leave**

Maternity leave and/or additional maternity leave may be postponed in the event of the hospitalisation of the child, subject to the agreement of North Tipperary VEC. The maximum amount of time the leave can be postponed for is six months. North Tipperary VEC has the right to refuse your application to postpone maternity leave.

Leave can only be postponed after 14 weeks maternity leave has been taken, four (4) of which must be taken after the birth, (this provision does not apply to fathers who are on paternity leave). If you postpone maternity leave and return to work, then you may take your leave in one block, not later than 7 days after the child has been discharged from hospital. You will be required to provide the HR Division with a letter from the hospital confirming the child has been hospitalised and following the discharge a letter confirming the date of discharge.

If you postpone your maternity leave and return to employment, you need to advise the Department of Social and Family Affairs of this. You must notify them in writing that your child has been hospitalised and you have returned to employment. A letter from your family doctor (GP) / hospital is required to confirm to the Department that the child has been discharged from hospital and your maternity benefit should resume.

Your Personal Public Service (PPS) Number should be clearly identified on all documents you send to the Department.

You may only apply to postpone your maternity leave if the baby has been hospitalised not if the child is unwell.

### **Illness while on postponed maternity leave**

If you have postponed your maternity leave and become ill when you return to work (before resuming your postponed leave), you may be considered to have started your resumed leave on the first day of your absence because of illness. Alternatively, you may choose to forfeit your right to resumed leave and have your leave treated as sick leave.

### **Entitlements of Fathers to Maternity Leave and Additional Maternity Leave in the case of the Death of the Mother**

Should the mother of an employee's child die within 26 weeks of the birth, the employee will be entitled to the remainder of the mother's maternity leave and/or additional maternity leave. An employee availing of such leave must notify the HR Department in writing on the first day of the leave of his intention to take the leave and the duration. The employee must also notify the HR Department in writing of his intention to take additional maternity leave four weeks before he is expected to return to work.

The period of leave shall commence within 7 days of the mother's death. The father should supply to Human Resources Division, as soon as it is reasonably practicable, a copy of the death certificate in respect of the mother and of a birth certificate in respect of the child.

### **Entitlements of Fathers to take Paternity Leave**

As and from 1 June 2000, male staff employed by North Tipperary VEC, who meet the requirements outlined below, are entitled to 3 days paid leave on the birth of a child. Paternity Leave must be taken within four weeks of the birth of the child, except in exceptional circumstances.

Paternity Leave *with pay* is available to certain categories of staff - clarification is available from Human Resources Department.

### **Revoking of Additional Maternity Leave**

If you revoke a decision to avail of Additional Maternity Leave you must notify the *HR Department*, in writing at least four weeks before your Maternity Leave is due to end.

---

### **Social Welfare Maternity Benefit while on Maternity Leave**

If you are a pre 1995 permanent employee, on class D1 PRSI, you have no entitlement to Social Welfare Maternity Benefit.

Employees who are paying class A1 PRSI contributions and entitled to Maternity Pay **must claim** Social Welfare Maternity Benefit, as their salaries will be reduced by the maximum statutory benefit at source (unless another amount is specified). Maternity Benefit is paid for twenty six weeks.

The rate of payment is 80% of an employee's weekly earnings in the income tax year that governs the employee's claim, subject to maximum and minimum rates at a given time.

Employees who are paying class A1 PRSI contributions and not entitled to Maternity Pay will be paid directly by the Department of Social and Family Affairs.

### **Time off for ante- and post-natal medical checks**

You are entitled to paid time off for medical appointments related to the pregnancy. You must give written notification to your Principal/Director/Co-Ordinator/Manager of the date and time of the appointments at least two weeks in advance; where possible the appointments should be at the beginning or at the end of the working day. If the appointment finishes during the working day, you must return to work.

Pregnant employees are entitled to paid time off work to attend one set of ante natal classes (other than the last three classes).

An expectant father is entitled on a once off basis to paid time off to attend the last two classes before the birth. An employee must give their Principal/Director/Co-Ordinator/Manager notice in writing of the dates and times of the classes, or class, at least two weeks before the first class or classes concerned.

In all cases, employees are in receipt of their full pay during time off for ante- or post-natal checks.

### **Birth of baby either before or after the expected date**

If your baby is born earlier than four weeks before the due date and before you have commenced Maternity Leave, then the twenty six weeks' Maternity Leave will begin on the day of the birth.

Regardless of when your baby is born, you must take four weeks Maternity Leave after the birth. If your baby is born so late that you have fewer than four weeks remaining in your Maternity Leave, then you are nonetheless entitled and obliged to take four weeks' Maternity Leave after the birth. This extension of your Maternity Leave is called Extended Maternity Leave and is governed by the same criteria, as is Maternity Leave.

Availing of Extended Maternity Leave does not in any way affect your right to take Additional Maternity Leave as well.

### **Annual Leave and Maternity Leave**

While on Maternity Leave, Additional Maternity Leave and Extended Maternity Leave, you accrue Annual Leave.

### **Payment for Public Holidays, which fall, during my Maternity Leave**

During Maternity Leave, Additional and Extended Leave you retain your entitlement to Public Holidays. Public Holidays which fall during Maternity Leave are added on to the end of the Maternity Leave.

---

### **Leave in Lieu - Special provision for teachers and special needs assistants employed in second level schools only**

Where maternity leave overlaps with the school vacation, a teacher shall be entitled to leave in lieu for the vacation days which overlap subject to a maximum of 30 days in any calendar year. Please note that State Examination Period is not part of the school vacation.

The leave in lieu must follow on immediately from the end of the period of maternity leave (or additional maternity leave as appropriate) or from the end of the school vacation period concerned where the maternity leave expires within such vacation period.

The overlapped days for which a teacher will be entitled to leave in lieu are general school vacation days including public and church holidays, where applicable, and other school closures. Days on which schools are closed in exceptional circumstances, e.g. inclement weather or polling, do not count in calculating the number of days leave in lieu due.

### **Termination of Contract during Maternity Leave, Additional Leave and Extended Maternity Leave**

The holders of Permanent Wholetime Contracts and Contracts of Indefinite Duration during any of the above periods will remain in the employment of North Tipperary VEC. However, in the case of fixed term employees employment with North Tipperary VEC will last only until the expiry date of the contract of employment.

Under the Maternity Protection Acts, employees have a right to return to work in the same or similar job under the same employment contract. (This right does not extend to those employees whose fixed-term or specified-purpose contracts expired during any of the above periods.)

### **Entitlement to Health and Safety Leave during pregnancy and breastfeeding**

Employees who are breastfeeding and within 26 weeks of the birth of their child may be entitled to limited time off/breaks for breastfeeding purposes. Details are available from the H.R. Department.

### **Employment Rights**

Absence while on Maternity Leave shall not be treated as part of any other leave from employment to which the employee concerned is entitled.

North Tipperary VEC reserves the right to extend periods of training or probation to take account of absence due to Maternity Leave.

## **2.20 Paternity Leave Guidelines**

### **Paternity Leave**

Paid leave not exceeding three (3) days will be granted to a male staff member who is the registered father of a child, or children in the case of multiple births. Paternity leave will apply in the case of the birth of a stillborn child which occurs after the first 24 weeks of pregnancy.

Paternity leave must be taken within four (4) weeks of the date of the birth. The days may be taken either consecutively or individually as appropriate.

### **Application Process**

A staff member, wishing to avail of paternity leave must complete the appropriate 'Application for Paternity Leave' form, ensure it is signed by the Principal/Director/Co-Ordinator/Manager as appropriate and forwarded to the H.R. Department at least four weeks prior to the date(s) on which he intends to take this leave.

A copy of the child's full birth certificate, showing the staff member as the registered father, must be presented to the H.R. Department within eight (8) weeks of the date of birth of the child.

---

## **Adoption**

A staff member who is an adoptive father may avail of paternity leave in respect of an adopted child placed with him. Paid leave is limited to a maximum of three (3) days and must be taken within four (4) weeks of the date of placement of the adopted child. Where a second or further child is placed for adoption within three (3) months of the date of placement of the first child, the leave is limited to a maximum of three (3) days and must be taken within four (4) weeks of the date of the last placement.

## **Application Process**

A staff member, wishing to avail of paternity leave in respect of an adopted child must complete the appropriate 'Application for Paternity Leave' form signed by the Principal/Director/Co-Ordinator/Manager as appropriate, together with written certification of the expected date of placement of the child signed by an authorised officer of a recognised adoption agency and forwarded to the Human Resources Department at least four weeks prior to the date(s) on which he intends to take this leave.

A copy of the official placement order, showing the staff member as the registered/recognised adoptive father, must be presented to the Human Resources Department within eight (8) weeks of the date of placement of the child.

## **2.21 Adoptive Leave Guidelines**

### **Staff Entitlements under the Adoptive Leave Acts, 1995-2005**

Under the Adoptive Leave Act 1995, as amended by Adoptive Leave Act 2005 only the adoptive mother is entitled to avail of adoptive leave from employment, except in the case where a male is the sole adopter.

If you start adoptive leave on or after 1 March 2007 you are entitled to 24 weeks adoptive leave. You are also entitled to take an additional 16 weeks unpaid adoptive leave after your adoptive leave ends.

***Explanatory Note*** - While all adoptive mothers are entitled to Adoptive Leave only certain categories of staff are entitled to receipt of Adoptive Pay from North Tipperary VEC. Details of those categories staff who qualify for Adoptive Pay are available from the HR Department. Those who are not entitled to Adoptive Pay may have an entitlement to Social Welfare Adoptive Benefit (which is a Department of Social and Family Affairs payment) subject to having sufficient PRSI contributions.

### **Entitlement to Adoptive Leave**

All employed adopting mothers and sole male adopters are entitled to a minimum period of 24 consecutive weeks unpaid adoptive leave, subject to certain notification requirements and to evidence of placement of the child.

The Social Welfare Acts provide for the payment of an adoptive benefit to employees taking adoptive leave who satisfy certain PRSI contribution conditions on their own insurance record.

### **The Application Process**

You should first of all inform your Principal/Director/Co-Ordinator/Manager of your intent to avail of Adoptive Leave (to allow for adequate time to recruit a replacement, where appropriate). You should contact the H.R. Department at least four weeks before you intend to take leave. A certificate of placement must be supplied to the H.R. Department, as soon as is reasonably practicable, but not later than four weeks after the date of placement.

---

### **Duration of Adoptive Leave**

As an adopting mother or sole male adopter you are entitled to twenty four weeks' Adoptive Leave. Adopting parents are also entitled to time off during working hours without loss of pay to attend preparation classes and pre-adoption meetings with social workers / health board officials required during pre-adoption process.

### **Additional Adoptive Leave**

In addition to the minimum period of adoptive leave, you may avail of up to 16 consecutive weeks of additional adoptive leave, following immediately on the period of adoptive leave.

In order to avail of this Additional Adoptive Leave, you must notify Leave Administration, in writing at least four weeks before the end of your Adoptive Leave, indicating the dates of the Additional Adoptive Leave. (You may notify Leave Administration, of your intention to take Additional Adoptive Leave at the same time as notifying it of your intention to take Adoptive Leave.)

### **Foreign adoptions**

In the case of a foreign adoption, some or all of the 16 weeks additional leave may be taken before the date of placement, for the purposes of familiarisation with the child. During this period, there is no entitlement to Social Welfare Adoptive Benefit.

In the case of a foreign adoption, an eligible employee must notify the HR Department, at least four weeks in advance of the intention to take Adoptive Leave, and supply written details of the expected date of placement together with a copy of the 'declaration of suitability' (issued pursuant to the Adoption Act, 1990) before the commencement of Adoptive Leave or Additional Adoptive Leave (see below), whichever is the earlier. Particulars of the placement must be provided as soon as is reasonably practicable thereafter.

### **Postponement of adoptive leave**

Adoptive Leave and/or additional Adoptive Leave may be postponed in the event of the hospitalisation of the child, subject to the agreement of North Tipperary VEC. North Tipperary VEC has the right to refuse your application to postpone Adoptive Leave.

If you postpone Adoptive Leave and return to work, then you may take your leave in one block, not later than 7 days after the child has been discharged from hospital. You will be required to provide Human Resources Division with a letter from the hospital confirming the child has been hospitalised and following the discharge a letter confirming the date of discharge.

If you postpone your Adoptive Leave and return to employment, you need to advise the Department of Social and Family Affairs of this. You must notify them in writing that your child has been hospitalised and you have returned to employment. A letter from your family doctor (GP) / hospital is required to confirm to the Department that the child has been discharged from hospital and your Adoptive Benefit should resume.

Your Personal Public Service (PPS) Number should be clearly identified on all documents you send to the Department.

An employee's absence from work on Additional Adoptive Leave will count for all employment rights (except remuneration, superannuation benefits) associated with the employment such as annual leave and seniority.

### **Entitlements of Fathers to Adoptive Leave in the case of the Death of the Mother**

Should the mother of an employee's adoptive child die before the placement of the child or after the day of placement, the employee will be entitled to the remainder of the mother's Adoptive Leave and/or Additional Adoptive Leave. An employee availing of such leave must notify Human Resources Department in writing on the first day of the leave of his intention to take the leave and the duration. The employee must also notify the Human Resources

---

Department in writing of his intention to take Additional Adoptive Leave four weeks before he is expected to return to work.

The period of leave shall commence within 7 days of the mother's death. The father should supply to the Human Resources Department, as soon as it is reasonably practicable, a copy of the death certificate in respect of the mother and of a birth certificate in respect of the child.

#### **Revoking of Additional Adoptive Leave**

If you revoke a decision to avail of Additional Adoptive Leave you must notify Human Resources Department in writing at least four weeks before your Adoptive Leave is due to end.

#### **Social Welfare Adoptive Benefit while on Adoptive Leave**

If you are a pre 1995 permanent employee, on class D1 PRSI, you have no entitlement to Social Welfare Adoptive Benefit.

Employees who are paying class A1 PRSI contributions and entitled to Adoptive Pay must claim Social Welfare Adoptive Benefit, as their salaries will be reduced by the maximum statutory benefit at source (unless another amount is specified). Adoptive Benefit is paid for twenty four weeks.

The rate of payment is 80% of an employee's weekly earnings in the income tax year that governs the employee's claim, subject to maximum and minimum rates at a given time.

Employees who are paying class A1 PRSI contributions and not entitled to Adoptive Pay will be paid directly by the Department of Social and Family Affairs.

#### **Annual Leave and Adoptive Leave**

While on Adoptive Leave, Additional Adoptive Leave and Extended Adoptive Leave, you accrue Annual Leave.

#### **Payment for Public Holidays, which fall, during Adoptive Leave**

During Adoptive Leave, and Additional and/or Extended Leave, you retain your entitlement to Public Holidays.

You may take this at some other time, or on an exceptional basis, payment may be made in lieu.

#### **Leave in Lieu - Special provision for second level teaching staff and special needs assistants only**

Where Adoptive Leave overlaps with the school vacation, a teacher shall be entitled to leave in lieu for the vacation days which overlap subject to a maximum of 22 days in any calendar year. Please note that State Examination Period is not part of the school vacation.

The leave in lieu must follow on immediately from the end of the period of Adoptive leave (or additional Adoptive Leave as appropriate) or from the end of the school vacation period concerned where the Adoptive Leave expires within such vacation period.

The overlapped days for which a teacher will be entitled to leave in lieu are general school vacation days including public and church holidays, where applicable, and other school closures. Days on which schools are closed in exceptional circumstances, e.g. inclement weather or polling, do not count in calculating the number of days leave in lieu due.

#### **Termination of Contract during Adoptive Leave, Additional Leave and Extended Adoptive Leave**

The holders of Permanent Wholetime Contracts and Contracts of Indefinite Duration during any of the above periods will remain in the employment of North Tipperary VEC. However, in the case of fixed term employees employment with North Tipperary VEC will last only until the expiry date of the contract of employment.

---

Under the Adoptive Leave Act, employees have a right to return to work in the same or similar job under the same employment contract. (This right does not extend to those employees whose fixed-term or specified-purpose contracts expired during any of the above periods.)

## **2.22 Parental Leave Guidelines**

### **Staff Entitlements under the Parental Leave Act, 1998**

#### **Parental Leave Act, 1998 & Parental Leave (Amendment) Act 2006**

The purpose of this policy is to provide leave to employees, who are natural or adoptive parents, to enable them to spend more time with their child and to take care of their child in accordance with the terms and conditions of the Parental Leave Acts, 1998 & 2006.

Parental leave entitlements also extend to persons acting in loco parentis in respect of an eligible child.

#### **Eligibility**

An employee with continuous service of one year who is a natural or adoptive parent is entitled to 14 weeks unpaid leave to enable him/her to take care of his or her child. The child must be under 8 years of age or, if the child is aged between 6 and 8 years old at the time of the adoption, leave must be taken within two years of the adoption order. In the case of an adopted child under six at the time of the adoption, the parental leave must be taken before the child is eight years of age.

The maximum age of the child in respect of whom staff may take parental leave has increased to 16 years in the case of a child with a disability. This provision applies to a child in respect of whom a Domiciliary Care Allowance (DCA) is payable, or would be payable if the child satisfied the means test for the DCA. Further details relating to the DCA are available from Health Service Executive.

Employees who have less than one year's service are entitled to a pro-rata parental leave entitlement after three month's service with North Tipperary VEC, if the child is about to go beyond the specified age limits. The parental leave entitlement is one week's unpaid leave for each month of continuous employment. Periods of training or probation will be extended to take account of the number of week's absence due to parental leave.

Part-time employees of North Tipperary VEC are entitled to unpaid parental leave on a pro-rata basis. This is calculated on the average number of hours worked per week in the 14-week period prior to the commencement of the parental leave.

Employees are entitled to 14 weeks parental leave in respect of each child which meets the above the criteria. In the case of multiple birth e.g. twins; the entitlement is to 14 weeks for each child. The leave is non-transferable i.e. the mother cannot take the father's leave and vice versa. However, in a case where both parents are employed by North Tipperary VEC, subject to the Chief Executive Officer's (CEO) agreement, parental leave can then be transferred from one parent to the other.

If you fall ill while on parental leave and are as a result unable to care for the child, you may suspend the parental leave for the duration of the illness following which period the parental leave recommences.

#### **Duration and Pattern of Parental Leave**

The leave may be taken in a block of weeks or, on agreement with the Principal/Director/Co-Ordinator/Manager in consultation with the Human Resources Department, it may be broken down into pre-planned time off. Fourteen weeks unpaid parental leave is available per eligible child, and the maximum time off in any one year is 14 weeks. The specific consent of CEO will be required if an employee wishes to avail of leave in respect of more than one child in any one year; this rule will not apply in the case of multiple births.

---

The proposed period of leave must be agreed with your Principal/Director/Co-Ordinator/Manager and approved by the HR Department. All public holidays which fall during the period of Parental Leave will be added to the end of the period of parental leave or taken as arranged locally with your line manager.

### **Specific Arrangements in respect of Teachers employed in Committees Second Level Schools/Colleges**

Teachers employed in the Committee's second level schools and colleges must avail of parental leave as follows:

- (a) As one continuous period of fourteen weeks, *or*
- (b) In two separate periods of seven weeks, *or*
- (c) In a maximum of three separate periods with one of the periods being a minimum of two weeks and a second being a minimum period of four weeks. The combinations are outlined as follows
  - i. 1 x 2 weeks; 1 x 4 weeks; 1 x 8 weeks
  - ii. 1 x 2 weeks; 1 x 5 weeks; 1 x 7 weeks
  - iii. 1 x 2 weeks; 1 x 6 weeks; 1 x 6 weeks

Department of Education & Science Circular Letters 17/99 & 01/04 refer.

### **Employment Rights**

An employee on parental leave is regarded for all purposes relating to his or her employment (other than the right to remuneration or superannuation benefit or any obligation to pay contributions in or in respect of the employment) as still at work and none of his or her other employment rights is affected.

Absence from employment while on parental leave shall not be treated as part of any other leave from employment to which the employee concerned is entitled.

North Tipperary VEC reserves the right to extend periods of training, apprenticeship or probation to take account of absence due to parental leave.

### **Procedure for applying for Parental Leave**

Information and application forms for parental leave are available from the HR Department.

Completed applications must be approved by the appropriate Principal/Director/Co-Ordinator/Manager and submitted to the HR Department, a minimum of 6 weeks prior to the proposed date of commencement. Application must specify the start date, duration and mechanism for taking the parental leave and should be accompanied by a copy of the child's birth certificate.

All applications for Parental Leave are subject to the approval of the Human Resources Department. It is prudent to discuss and agree proposed dates and the pattern of leave with your Principal/Director/Co-Ordinator/Manager prior to formal application as Human Resources Department will contact him/her to confirm suitability of the proposal in line with operational requirements.

Once approval has been secured for the application, Human Resources Department will produce a 'Confirmation Document' for the employee to sign at least 4 weeks prior to the date of commencement.

Copies of the signed Confirmation Documents will be held by the employee and Human Resources Department.

---

### **Alterations or Postponement**

The CEO has the right to postpone commencement in cases where the leave could have an adverse effect on the operations of the Committee. Such a requirement will always be discussed with the employee before being put formally in writing. Notice of postponement will be given to the employee not later than 4 weeks before the proposed commencement of the parental leave concerned. The CEO may decide to postpone the parental leave for a period of up to 6 months if s/he is satisfied that granting the leave would have a substantial adverse effect on operations, if there are difficulties in obtaining a suitably qualified replacement staff member or if a number of employees are already on parental leave.

On return from a period of parental leave the employee will return to their normal post, in so far as this is practicable.

### **Disputes Procedure**

A dispute in relation to an entitlement under the Act may be referred to the Rights Commissioner service of the Labour Relations Commission (LRC) and must be made in writing within 6 months of the occurrence of the dispute.

Either party may appeal a recommendation from the Rights Commissioner to the Employment Appeals Tribunal.

### **Notice and return to work**

Employees must inform their Principal/Director/Co-Ordinator/Manager and the HR Department in writing at least 4 weeks before intended return date to work following parental leave.

On return from a period of parental leave the employee will return to their normal post, in so far as this is practicable or to an alternative position under terms and conditions of employment that are no less favourable than the contract.

If an employee is found to be abusing their entitlement to parental leave they will immediately have their parental leave entitlement terminated and may be subject to the disciplinary process.

### **Records**

Human Resources Department will maintain records of leave taken by its employees showing the period of employment and the dates and times upon which the employee was on parental leave. These records will be maintained for 8 years, as required by ministerial order.

Information and application forms for parental leave are available from the H.R. Department.

## **2.23 Term Time Leave Guidelines**

### **Guidelines**

The Term Time Leave Scheme as part of the Government initiative on work life balance is available to education support staff (administrative and maintenance). It provides for unpaid leave for the purpose of allowing working parents or primary carers to match their working arrangements to the main summer holidays of their children, or to care for a family member who has a disability that gives rise to the need for care on a continuing or frequent basis.

The operation of the scheme is subject to the condition that the operating requirements of North Tipperary VEC are not adversely affected. Consequently, all applications to participate in the scheme will be considered in the context of organisational needs, and the ability of North Tipperary VEC to obtain replacement staff.

While every effort will be made to facilitate staff who wish to participate in the scheme, it may be necessary to limit the approved number, or it may not be practicable to allow the scheme to operate in some areas. Similarly, where there are a number of applications from a particular work area it may be necessary to limit the number of participants in the scheme from that area,

---

for that year. In this context it will be necessary to ensure that a balance is struck between the rights of those availing of the scheme and those not availing of the scheme. Consequently each application will be considered on the individual merits of both the applicant and the work area to which s/he is assigned.

**Applicants who are granted participation in the scheme one year may not automatically be granted participation in subsequent years.**

In reaching a decision, priority will be given to staff who have not previously availed of term time leave.

#### **Periods of Leave**

The periods of special leave available are as follows:

- A continuous period of 13 weeks commencing the second week of June;
- A continuous period of 10 weeks from the end of June;
- A continuous period of 8 weeks during July and August.

#### ***Important Note***

Applicants who are accepted for participation in the scheme will be required to confirm, in writing, that they wish to avail of eight, ten, or thirteen weeks special leave without pay.

It will not be possible for a participant to withdraw or alter an application for the scheme once that undertaking has been given. This commitment is essential to allow time for putting into place the special salary arrangements and the appointment of replacements.

#### **Eligibility to apply for participation in the Term Time Leave Scheme**

To be eligible to apply for participation in the Term Time Leave scheme, a person must satisfy the following criteria.

- (a) Be in the employment of North Tipperary VEC with at least one year's continuous satisfactory service
- (b) Have one or more dependent pre-school children or children attending primary, post primary, second level, vocational education or a special school and aged eighteen years or younger by 1 June in the year in which it is intended to participate in the scheme; or
- (c) Be responsible for the care of a person with a disability that gives rise to the need for care on a continuing or frequent basis for the period of the leave.

Participants will be required to present documentary evidence of meeting the eligibility requirements.

#### **Other Employment while on Term Time**

Participation in the Term Time Leave scheme is for the purposes outlined above, only, and may be terminated at any time during the period of special leave if a person engages in any other employment whilst on such leave. During the period of special leave, a staff member will remain subject to the conditions and regulations governing his/her employment in the VEC with the exception of the sick leave scheme.

#### **Annual leave and public holidays**

The period of special unpaid leave provided for under the Term Time scheme is in addition to normal annual leave. Subject to the provisions of the Organisation of Working Time Act 1997, the annual leave allocation of a participant may be reduced to take account of the period of special leave calculation of annual leave entitlements are detailed at Appendix 1.

---

The entitlement of participants to the benefit of any public holidays falling within the period of the special leave will also be as determined by the provisions of the Organisation of Working Time Act 1997.

Subject to the discretion of local management, participants may not in certain instances be granted leave (paid or unpaid) in the four weeks immediately prior to and following the period of term time leave. This restriction will not apply to leave such as maternity leave, adoptive leave or parental leave the granting of which is governed by statute or to sick leave or compassionate leave which will remain subject to the normal rules.

#### **Arrangements for the payment of salary**

As stated in paragraph 1, the period of term time leave is unpaid special leave. Applicants who participate in the scheme can apply to have their annual salary reduced as follows:

- (a) Special leave without pay for a period of 8, 10 or 13 weeks (i.e. no pay for the period).
- (b) Reducing the annual salary by the 8, 10 or 13 week period and spreading it over the full year.

If a person availing of these special administrative provisions avails of other unpaid leave during the twelve month period then the pro rata rate of salary will be adjusted accordingly.

#### **PRSI and other deductions**

Staff should note that, under PRSI rules, a person availing of term time leave is not earning during the period of leave and is not therefore making PRSI contributions. It is the responsibility of the person availing of the Term Time Leave scheme to make arrangements to ensure that any voluntary contributions (e.g. health insurance, savings plans, etc.) normally deducted from salary continue to be paid.

#### **Reckonable service and Superannuation**

The period of special leave will reckon for the purposes of increments and seniority. The period of special leave will not reckon for pension purposes.

#### **Sick leave**

The provisions of the sick leave scheme will not apply to participants during the period of special leave.

#### **Promotion**

Participants in the scheme will continue to be eligible for promotion while on special leave, subject to eligibility criteria. An offer of promotion made to a participant during the period of special leave may, in certain circumstances, be conditional on the person resuming duty in the higher grade with immediate effect.

#### **Filling of ensuing vacancies**

If it is necessary to recruit additional staff to fill ensuing vacancies, the recruitment of staff on a temporary basis to replace staff in the Term Time Leave scheme should be in accordance with such agreed procedures as may exist with the relevant staff unions, from time to time, for the recruitment of staff to the sector.

All of the above arrangements will apply on the basis that North Tipperary VEC remains within its agreed whole time equivalent staff complement.

#### **Social Welfare - Family Income Supplement**

A person in receipt of Family Income Supplement who intends to avail of term time leave is advised to contact the Department of Social, Community and Family Affairs to clarify his/her entitlements.

As participation in the term time leave scheme may affect a person's social welfare contribution record i.e. less than 52 contributions in a year, staff are strongly advised to check with the

---

Department of Social, Community and Family Affairs prior to participating in the scheme to check the up-to-date position.

### **Application process**

Applications for participation in the Term Time Leave scheme in any year should be submitted through the Principal/Manager to reach the HR Department in accordance with the particulars of the memo circulated by the Human Resources Department in February of each year. Staff wishing to avail of the facility for spreading salary over the full year should apply again in accordance with local arrangements but normally before the 1<sup>st</sup> of November of the previous year.

Those wishing to participate in the scheme must apply each year. Where applications are being refused, the reasons for refusal must be set out. The HR Department will notify applicants as to whether or not they are being offered the opportunity to participate in the scheme.

North Tipperary VEC reserves the right to refuse some or all of the applications to participate in the scheme.

### **Queries**

Any queries by individual staff members should be addressed to the HR Department, Church Road, Nenagh, Co. Tipperary.

---

## Appendix 1

### Calculation of Annual Leave for Term Time Leave Scheme Participants

The Organisation of Working Time Act, 1997 provides that an employee who works at least 1365 hours in a leave year is entitled to an annual leave allowance of four working weeks (twenty days).

#### Annual leave - Full time staff

Staff serving in a full time capacity will, in the absence of any other additional unpaid leave, be entitled to at least twenty days annual leave in addition to the period of term time leave. However, there will be a reduction in the annual leave allowance, of those participating in the scheme that have an allowance in excess of twenty days, on a pro-rata basis, to reflect the period of special unpaid leave.

#### Annual Leave - Work-sharing staff

Work-sharing employees availing of the term time leave scheme will also have their annual leave entitlement calculated as per the provisions of the Organisation of Working Time Act (1997).

NB: For members of staff working less than full-time, then annual leave should be calculated on the basis of actual hours worked.

The hours to be included in calculating holiday entitlement are as follows:

- All hours physically worked including overtime;
- All hours notionally worked e.g. 26 weeks maternity leave;
- All hours spent on annual leave

In calculating hours physically worked, time spent on lunch breaks is excluded.

Example: a person has an annual leave allowance of 26 days and avails of term time leave with no other special unpaid leave in the leave year:

8 Weeks	10 Weeks	13 Weeks
Annual Leave Reduction $8/52 \times 26 = 4$ days  Annual Leave Allowance = 22 days	Annual Leave Reduction $10/52 \times 26 = 5$ days  Annual Leave Allowance = 21 days	Annual Leave Reduction $13/52 \times 26 = 6.5$ days  Annual Leave Allowance =19.5 days.  (If a person has worked 1365 hours in the year, the annual leave allowance is set at 20 days)
Annual Leave Allowance: 22 days	Annual Leave Allowance: 21 days	Annual Leave Allowance: 20 days

If participants of the term time leave scheme avail of further special unpaid leave during the leave year, the period of term time leave will also be taken into consideration in calculating the revised annual leave allowance for the year.

---

## 2.24 Force Majeure Guidelines

Each employee is entitled to leave with pay for urgent family reasons. Force Majeure Leave covers situations where, for urgent family reasons owing to an injury or illness of a close family member, the immediate presence of the staff member is indispensably required at the place where the family member is. A family member is defined as follows:

- Parent
- Natural or adoptive child
- Spouse
- Brother/sister
- Grandparent
- Persons in a relationship of domestic dependency, i.e. house-mate, including same-sex partners, where there is a dependency.

### Duration of Leave

Employees may be entitled to up to 3 days paid force majeure leave in a 12 month period or up to 5 days in a 36 month period.

An employee who is on force majeure leave for part of a working day will be deemed to have taken 1 force majeure day.

Absence from employment while on force majeure leave shall not be treated as part of any other leave from employment to which the employee concerned is entitled.

### Application Process

In the first instance your absence on force majeure leave must be communicated to your Principal/Director/Co-Ordinator/Manager. The appropriate 'Application for Force Majeure Leave' form must be completed as soon as reasonably practicable, signed by the Principal/Director/Co-Ordinator/Manager and forwarded to the HR Department.

You will be required to produce, not later than 4 weeks after the date of leave, a doctor's certificate detailing the nature, length or expected length, of illness/injury by the person concerned. A copy of the certificate must also be forwarded to the HR Department. If you fail to produce the required certificate, you may become subject to the disciplinary process.

## 2.25 Carer's Leave Guidelines

### Staff Entitlements under the Carer's Leave Act, 2001

*Explanatory Note* - The Department for Social, Community and Family Affairs will be responsible for ascertaining the validity of applications to avail of Carer's Leave. An application form (CARB1 Form) and information leaflet (SW49) may be obtained from the Department for Social, Community and Family Affairs or from their website at [www.dscfa.ie](http://www.dscfa.ie)

### Carer's Leave Act, 2001

The Carer's Leave Act, 2001, came into operation in July 2001. The purpose of this Act is to provide for the temporary absence of employees for the purpose of providing full-time care and attention to a person who is medically certified as being in need of such care, while protecting the employee's employment rights.

Since 24 March 2006 the minimum period of leave is 13 weeks and the maximum period is 104 (previously 65). If you took careers leave before 24th March 2006 you should return to work on the agreed date. You can then apply for the balance of your career's leave entitlement (up to 104 weeks)

---

## Eligibility

Employees will be considered eligible to apply for Carer's Leave if the following criteria are met:

- Twelve months continuous employment with North Tipperary VEC
- The person they wish to look after is considered to be a 'relevant' person. *A care recipient will be considered to be a 'relevant person' if they need continual supervision and frequent assistance throughout the day in connection with normal bodily functions, or need continual supervision in order to prevent danger to themselves.* A medical practitioner must certify the nature and extent of the care recipient's disability.
- The employee will be providing full-time care and attention to the relevant person.
- The employee will not be engaging in employment during the period with the exception of:
  - i. Attending an educational or training course or take up voluntary or community work for up to fifteen hours per week;
  - ii. Engaging in limited self-employment in your home;
  - iii. Engaging in employment outside your home for up to fifteen hours per week must be approved by the Department of Social, Community and Family Affairs.
- The employee has provided the employer with a decision from a Deciding Officer.

## Conditions of Carer's Leave

- Only one person will be allowed to use the Carer's Leave for a specific care recipient at a time.
- A person may only be entitled to leave for one care recipient at a time. In exceptional circumstances, *on one occasion only*, an employee may commence leave in respect of a relevant person, while already on leave in respect of another relevant person, where *the two relevant persons reside together*. In such circumstances, an overall total amount of Carer's Leave of 208 weeks (104 weeks in respect of each relevant person) will apply
- Carer's Leave will not be granted if the care recipient is in receipt of full time attention from someone else.
- In order to be eligible for Carer's Leave the employee must live with the care recipient or, under certain circumstances, in close proximity to them with a direct line of communication e.g. a telephone or alarm system.

## Application Procedure for Carer's Leave

The employee should apply to each of the following:

- Department of Social, Community and Family Affairs, at least six weeks in advance of the proposed commencement date of Carer's Leave
- H.R Department, North Tipperary VEC, Church Road, Nenagh, Co. Tipperary. (see Notification Requirements below)

The Department for Social, Community and Family Affairs will be responsible for ascertaining the validity of applications to avail of Carer's Leave. An application form (CARB1 Form) and information leaflet (SW 49) may be obtained from;

Department for Social, Community and Family Affairs  
Government Buildings  
Ballinalee Road  
Longford  
Co. Longford

Tel 043 45211 or 01 8748444)  
[www.dscfa.ie](http://www.dscfa.ie)

As part of this process a registered Medical Practitioner will be asked to fill in a form which will enable the Deciding Officer to judge the level of need of the care recipient.

---

In order to apply for the Carer's Benefit employees must also apply to the Department of Social, Community and Family Affairs. Qualifying for Carer's Leave will not automatically mean that an applicant will qualify for the Carer's Benefit.

#### **Notification requirements**

- Granting Carer's Leave is conditional on the employee notifying North Tipperary VEC in writing as soon as is reasonably practicable but not later than six weeks prior to the proposed commencement date of Carer's Leave. Consequently an employee who proposes to avail of Carer's Leave should at the same time as making application to the Department of Social, Community and Family Affairs, obtain the 'Notification of Intention to take Carer's Leave' form from Leave Administration, HR Department. The completed form should be signed by the employee and his/her Principal/Director/Co-Ordinator/Manager and submitted to the HR Department at least six weeks in advance of the proposed commencement date of Carer's Leave. In exceptional circumstances, an application may be made later than six weeks prior to the proposed commencement date.
- An employee shall provide the HR Department with a copy of the decision reached by the Deciding Officer as soon as he or she receives it. The employee shall not be entitled to Carer's Leave until HR Department has been given a copy of the decision. Should the Department of Social and Family Affairs refuse an application for Carer's Leave then the HR Department will not approve the application.
- Once approval has been granted for the application, the HR Department will produce a 'Confirmation Document' for the employee to sign.
- Copies of the signed Confirmation Documents will be held by the employee and the HR Department.
- Once agreed, the proposed absence on Carer's Leave cannot be amended save with the agreement of all parties concerned.
- North Tipperary VEC may postpone Carer's Leave if such leave is likely to disrupt significantly the general operation of the particular workplace. The postponement may be to an agreed date. A decision to postpone Carer's Leave will be notified in writing to the applicant.
- In exceptional emergency circumstances when it is not possible to comply with this notice requirement, the employee must give as much notice as reasonably practicable. The 'Confirmation Document' must be completed and signed at least two weeks prior to the proposed commencement of the Carer's Leave. The employee may in writing revoke notice given before the date of the confirmation document. Where leave is revoked it may not then be taken on the date on the confirmation document.
- In the case where an employee would be entitled to Carer's Leave and takes leave purporting to be Carer's Leave without having taken account of relevant notice periods, the employer may, at their discretion treat the leave as Carer's Leave.

#### **Duration and Pattern of Carer's Leave**

Carer's Leave can be taken as a continuous block of 104 weeks for each relevant person, or, by agreement with the employer, shorter periods adding up to 104 weeks. If the leave is broken up there must be at least six weeks between the leave periods. North Tipperary VEC may refuse to permit the employee to take a period of leave shorter than thirteen weeks. However, the employee will be advised in writing as to the reason for refusal.

The Act allows for the variation, postponement, and curtailment of the form in which Carer's Leave may be taken by agreement between the employee and employer concerned. The Act

---

also provides that where the leave has been varied, postponed or curtailed the leave may be taken at another time.

An employee must tell their employer as soon as is possible about any changes in the circumstances of their leave.

#### **Application Procedure for a second period of leave**

While on Carer's Leave an employee may apply for a second period of leave to look after a second care recipient who resides with the first care recipient. If this application is approved and the prospective second care recipient is deemed to be a 'relevant' person then the period of leave granted for the first care recipient must finish 104 weeks after it started.

The second period of leave shall begin on the date that the Deciding Officer's final decision is made and must finish at the latest 104 weeks after it began. The total amount of leave period when taken together cannot exceed 208 weeks.

In the case of an approved second period of leave an employee does not have to reapply to their employer before it can begin.

The HR Department will issue a second confirmation document on receipt of notification from the employee.

If an employee's Carer's Leave in respect to one relevant person has finished they may not apply for Leave to care for a second relevant person until 6 months after the end of their previous period of leave.

#### **Return to Work**

An employee who is on Carer's Leave shall give notice in writing to his employer of his/her intention of returning to work not less than four weeks before the date when he/she intends to do so. However, Carer's Leave will terminate early in the following circumstances

- The period covered by the Carer's leave as specified in the confirmation document elapses.
- By Agreement between the employer and the employee.
- Assumption by another person or institution of full-time care.
- Death of Care Recipient (following which the Carer may take a further six weeks, or return to employment on the date of termination of the period specified in the confirmation document, whichever is the earliest.)
- If you are employed on a fixed-term or specified-purpose contract, any leave (or any other benefit) will end when your contract ends.

#### **Abuse of Leave**

Employees found abusing their entitlement to Carer's Leave by a Deciding Officer will immediately have their carer's leave entitlement terminated and will be subject to serious disciplinary action, up to and including dismissal. The following will be considered abuse of Carer's Leave:

- The care recipient is not a 'relevant person' in respect to the employee
- The employee will not or is not taking full-time care of the care recipient or
- The employee on Carer's Leave is engaged in employment or self-employment other than as prescribed.

#### **Employment Rights**

An employee while on Carer's Leave will be regarded as still being in employment and none of their rights relating to employment shall be affected, with the exception of remuneration, annual leave, public holidays, superannuation benefits or any obligation to pay contributions in, or in respect of, the employment. Such absence will be reckonable for redundancy purposes.

---

An employee will accrue annual leave for the first thirteen weeks of absence from work on Carer's Leave for each relevant person.

An employee will be entitled to public holidays that occur during the first thirteen weeks of absence from work on Carer's Leave for each relevant person. Appendix A below details deductions in summer leave entitlements in respect of second level teaching staff.

Carer's leave cannot be treated as part of any other leave from employment including sick leave, adoptive leave, maternity leave, parental leave, annual leave or force majeure leave to which an employee is entitled.

At the end of the Carer's Leave the employee will be entitled to return to work to the same job. If it is not possible for them to return to the same job then a suitable alternative must be found where the type of job is similar and the terms and conditions are similar.

The employer may suspend a period of probation, or apprenticeship, while the employee is on Carer's Leave.

Where an employee has been appointed for a fixed term contract the period of Carer's Leave will not extend beyond the day on which the fixed term expires. The granting or taking of Carer's Leave shall not affect the date of termination of a fixed term appointment.

An employee absent on sick leave prior to the start of Carer's Leave must produce a certificate of fitness to resume duty before commencing Carer's Leave.

#### **PRSI - Pay Related Social Insurance**

Employees who avail of Carer's Leave and who pay full rate Pay Related Social Insurance contributions are required to contact the Department of Social and Family Affairs to ensure that any entitlement to PRSI credits are maintained.

#### **Disputes Procedure**

In the event of certain dispute arising relating to an employee's entitlement to Carer's Leave, a claim for redress may be made to a rights commissioner in the first instance with a right of appeal to the Employment Appeals Tribunal. Disputes concerning an employer's opinion as to whether a person is a relevant person as defined with the Act or whether full-time care and attention is being provided must be referred for adjudication to the Department of Social, Community and Family Affairs.

#### **Records**

Employers are under obligation to keep records of Carer's Leave periods taken by their employees for up to 8 years.

Information and the 'Notification to take Carer's Leave' form are available from Leave Administration, HR Department.

---

## Appendix A

### Carer's Leave      Post Primary Teachers

No. of days Absent	Pay Deduction during the summer period
0-91	0 days
92-105	3 days
106-119	6 days
120-133	9 days
134-147	12 days
148-161	15 days
162-175	18 days
176-189	21 days
190-203	24 days
204-217	27 days
218-231	30 days
232-245	33 days
246-259	36 days
260-273	39 days
274-287	42 days
288-301	45 days
302-315	48 days

---

## 2.26 Code of Ethics for VEC Staff

As per requirements of the Ethics in Public Office Act 1995 and 2001 as advised by the Department of Education & Science in Circular Letter F11/05 - Code of Practice for the Governance of Vocational Education Committees and adopted by North Tipperary Vocational Education Committee.

North Tipperary VEC may review this Code of Ethics, as appropriate. Any proposed revisions to this Code must be considered and approved at a meeting of the Committee and submitted to the Minister for approval.

### Intent & Scope

The purpose of the Code is to provide guidance to all staff of North Tipperary VEC in performing their duties.

### Objectives

The objectives of the Code are:

- To set out an agreed set of ethical principles
- To promote and maintain confidence and trust in North Tipperary VEC
- To promote the development and acceptance of ethical practices in North Tipperary VEC
- To promote the highest legal, management and ethical standards in all the activities of North Tipperary VEC
- To promote compliance with best current management practice in all the activities of North Tipperary VEC

### General Principles

It is the policy of North Tipperary VEC to maintain its high reputation for ethical behaviour and fair dealing in the conduct of its business. In many cases, decisions as to what is ethical or fair are clear cut and will be obvious to any reasonable person. In some situations, however, there may be circumstances where an element of doubt or ambiguity arises.

To help in those circumstances and to protect and guide individual staff of North Tipperary VEC, it is appropriate to have a written Code of Ethics for the conduct of VEC business. It is not possible to provide for every situation in the Code of Ethics.

If there is doubt about the probity of any particular situation, the CEO should be consulted about that situation by the individual concerned. All staff are required to observe the following fundamental principles, as set out under the following headings:

- Integrity
- Confidentiality
- Obligations
- Disclosure of Interest
- Loyalty
- Fairness, and
- Consideration for work/external environment

---

## Integrity

Each staff member is expected to observe the highest standards of honesty and integrity in all his/her dealings as an employee of the Committee. Therefore, staff must:

- Engage in their duties and collaborate vigorously, energetically, ethically and honestly with other education institutions, commercial and other providers of research and advisory services
- Not engage in outside employment/business interests which would reasonably be considered to be in conflict or in potential conflict with the business of North Tipperary VEC or their responsibilities as staff of North Tipperary VEC
- Acquire information or business secrets by proper means only
- Refrain from giving and receiving corporate gifts, hospitality, preferential treatment or benefits which might affect or appear to affect the ability of the donor or the recipient to make independent judgement on business transactions and report any such approaches in writing to the Chairperson
- Avoid the use of North Tipperary VEC resources or time for personal gain, for the benefit of persons/organisations unconnected with the institutions or its activities
- Avoid misrepresentation, being ambiguous or misleading

Further, insofar as it is included in their responsibilities, staff must:

- Ensure that engagement of consultancy and other services is in compliance with public policy guidelines
- Conduct purchasing activities of goods/services in accordance with public policy and best business practiced [through] the purchasing regulations of North Tipperary VEC
- Ensure that accounts/reports accurately reflect their work performance and are not misleading or designed to be misleading

## Information

- Staff of North Tipperary VEC will ensure the provision of access to general information relating to the VEC's activities that is open and enhances its accountability to the general public
- Staff will respect the confidentiality of sensitive information held by North Tipperary VEC. This would constitute material such as:
  - personal information
  - information received in confidence by North Tipperary VEC
  - any commercially sensitive information or other information sensitive to the reputation of North Tipperary VEC
  - any other material, release of which might constitute an unlawful or unethical act
  - Staff will ensure to the extent that it is in their power and remit, that North Tipperary VEC complies with all relevant statutory provisions (e.g. Data Protection Acts, 1988 and 2003, and the Freedom of Information Act, 1997) as they relate to North Tipperary VEC
  - Staff will ensure to the extent that it is in their power and remit, that North Tipperary VEC observes appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest
  - Staff will observe the strictest confidentiality in relation to all discussions and decisions taken in North Tipperary VEC.

---

## Obligations

Staff will ensure, to the extent that it is in their power and remit, that North Tipperary VEC:

- Fulfils all regulatory and statutory obligations imposed on North Tipperary VEC by the Vocational Education Acts, 1930 to 2001 and other relevant legislation
- Complies with detailed tendering and purchasing procedures, as well as complying with prescribed levels of authority sanctioning any relevant expenditure
- Operates controls to prevent fraud and to ensure compliance with prescribed procedures in relation to levels of authority sanctioning any relevant expenditure including expenses for business travel
- Staff acknowledges that acceptance of positions following employment and/or engagement by a VEC and gives rise to potential for conflicts of interest and to confidentiality concerns. Staff will comply with procedures that North Tipperary VEC may put in place in this regard

## Loyalty

- Staff of North Tipperary VEC acknowledge the responsibility to be loyal to North Tipperary VEC and to be fully committed to all its activities while mindful that North Tipperary VEC itself must at all times take into account the interests of its students and funders including tax payers
- Staff of North Tipperary VEC acknowledges the duty of all staff to conform to highest standards of business ethics.

## Fairness

Staff will ensure, to the extent that it is in their power and remit, that North Tipperary VEC

- is complying with employment equality and equal status legislation
- is committed to fairness in all business dealings; and
- values its students, staff, suppliers, and customers and treats all its students, staff, suppliers and customers equally.

## Work/External Environment

- Staff will place the highest priority on promoting and preserving the health and safety of its staff and students and ensure, to the extent that it is in their power and remit that North Tipperary VEC does so also
- Staff will ensure, to the extent that it is in their power and remit, that community concerns are fully considered in its activities and operations
- Staff will ensure, to the extent that it is in their power and remit that North Tipperary VEC will minimise any detrimental impact of its operations on the environment.

## Responsibility

- North Tipperary VEC will circulate this Code of Ethics (and policy Document on Disclosure of Interests) to all staff for their retention
- North Tipperary VEC will ensure that all staff receive a copy of the Code and understand its contents
- North Tipperary VEC will provide practical guidance and direction as required on such areas as gifts and entertainment and on other ethical considerations, which arise routinely.

**Note: Breaches of the Code of Ethics for Staff will be regarded as a breach of discipline and will be dealt with, in accordance with the disciplinary code, by the Chief Executive Officer or by the delegated officer, as appropriate.**