



Shorter Working Year Scheme

HR Policy Document Record	
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1. INTRODUCTION

- 1.1. This circular supersedes any previous Term Time Circular. The purpose of the shorter working year scheme is to permit staff of Dublin Institute of Technology to balance their working arrangements with outside commitments, including the school holiday periods of their children.

2. ELIGIBILITY TO APPLY

- 2.1. To be eligible to apply for unpaid special leave, a person must be serving in the Institute in an established or unestablished position (full-time staff, worksharers and other part-time staff are eligible to apply).
- 2.2. Officers on probation at the time it is proposed to take the special leave are not entitled to participate.
- 2.3. A staff member on special leave retains his or her Institute status and is subject to all relevant legislation and codes, including the code of conduct and the disciplinary code.

3. PERIODS OF SPECIAL LEAVE

- 3.1. Under the terms of the scheme, special leave is available as a period of not less than 2 and not more than 13 consecutive weeks.
- 3.2. The leave may be taken as one continuous period, or as a maximum of 3 separate periods each consisting of not less than 2 weeks and not exceeding 13 weeks in total.
- 3.3. The period of leave shall be **unpaid special leave**.

4. ANNUAL LEAVE AND PUBLIC HOLIDAYS

- 4.1. The annual leave allocation of a participant may be reduced to take account of the period of special leave.
- 4.2. Subject to the discretion of the Line Manager, a participant will not be granted annual leave in the four weeks immediately prior to and following the period of special leave.
- 4.3. The existing arrangements for entitlements to any public holidays and concession days falling during the period of special leave apply
- 4.4. Staff who commence maternity or adoptive leave during special leave retain their normal statutory entitlements.
- 4.5. Annual Leave - Full Time Staff: Persons serving in a full time capacity who avail of special leave will, in the absence of any other additional unpaid leave, be entitled to a minimum of 20 days annual leave. Staff with an annual leave allowance in excess of 20 days will have their allowance reduced on a pro rata basis. However it must be noted that if no other unpaid time off is taken, the officer will still receive 4 working weeks (20 days) as a statutory entitlement. [See examples in appendix A.]
- 4.6. Annual Leave - Worksharing Staff: Worksharers who avail of special leave will also have their annual leave entitlement calculated in accordance with the provisions of the Act as set out in the relevant Worksharing circulars.

4.7. Public Holidays - Full Time Staff: The entitlement of participants to the benefit of any public holidays falling within the period of special leave is determined by the provisions of the Act. An employee who has not been absent for more than 13 weeks prior to the public holiday is entitled to benefit from the public holiday. The employer shall determine which of the following a fulltime employee is entitled to:

- 4.7.1. a paid day off within a month of that day;
- 4.7.2. an additional day of annual leave;
- 4.7.3. an additional day's pay.

4.8. Public Holidays - Worksharing Staff: For worksharing staff who avail of special leave the employer shall determine in accordance with the Act which of the following an employee is entitled to:

- 4.8.1. $\frac{1}{5}$ of their weekly total of hours off within one month;
- 4.8.2. $\frac{1}{5}$ of their weekly total of hours to be added to their annual leave;
- 4.8.3. $\frac{1}{5}$ of their weekly pay (equal to $\frac{1}{10}$ of their fortnightly pay)

5. ARRANGEMENTS FOR THE PAYMENT OF SALARY

5.1. As stated in above (3.3), the period of special leave is **unpaid**. However, applicants who apply to participate in the scheme can also apply to have their salary reduced on an annualised basis. Staff wishing to avail of this facility that is by spreading the salary reduction over the full calendar year, must apply before 15th November in the year prior to the year in which it is proposed to avail of the special leave.

5.2. Persons availing of the special administrative arrangements for the payment of salary may not vary their working hours during the same year. Each participant is required to give an undertaking that any overpayment that may arise from their participation in the scheme will be repaid to DIT not later than the last day of the tax year, 31 December, unless otherwise agreed.

6. DEPARTMENT OF EMPLOYMENT AFFAIRS & SOCIAL PROTECTION

6.1. It is advisable that staff availing of special leave maintain entitlements to social welfare benefits by payment of voluntary contributions to the Department of Employment Affairs & Social Protection. For more information, please contact the Department of Employment Affairs & Social Protection.

7. SOCIAL WELFARE – FAMILY INCOME SUPPLEMENT

7.1. Persons in receipt of Family Income Supplement who intend to avail of special leave must contact the Department of Employment Affairs & Social Protection to clarify their entitlements.

8. RECKONABLE SERVICE

8.1. 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.

9. SICK LEAVE

9.1. Participants cannot avail of sick leave during the period of special leave.

9.2.

10. RESTRICTION ON CAREER BREAKS

- 10.1. A person taking special leave who avails of administrative arrangements for the payment of salary over twelve months may not take a career break in the same year in which he or she avails of special leave.
- 10.2. However, in exceptional circumstances, at the discretion of the Institute, a career break may be granted in the same year in which a person avails of special leave. Any overpayment which may have arisen as a consequence of taking special leave would have to be repaid to DIT prior to the commencement of the career break.

11. PROMOTION

- 11.1. Participants in the scheme will continue to be eligible for promotion while on special leave, subject to them meeting the usual eligibility criteria.
- 11.2. Participants in the scheme who attend for interview, or who sit examinations as part of internal or interdepartmental promotion competitions, during normal working hours or on Saturdays, while on special leave, will receive leave in lieu.
- 11.3. 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.

12. FILLING OF ENSUING VACANCIES

- 12.1. DIT will normally reallocate or re-organise work or staff, where any vacancy arises under this scheme.
- 12.2. The filling of vacancies arising through persons availing of special leave, including through the granting of higher duty allowances, will be subject to current Government policy on public service numbers and on recruitment and promotion.

13. PROCEDURE

- 13.1. Persons wishing to avail of special leave must apply in writing each year to participate in the scheme and submit it to your Line Manager, who will make a recommendation, to reach Human Resources no later than 31 January of each year.
- 13.2. Persons applying to participate in the scheme will be required to state the period of time of the year that they wish to apply for special leave. Applicants must understand that business needs may preclude the granting of the special leave that they have applied for and they must, in such circumstances, be prepared to discuss possible alternatives, if feasible.
- 13.3. DIT may, at its discretion, indicate that they will consider applications for periods of special leave of up to eight weeks at any time from a person who has not applied to participate in the scheme by the 31st January of that particular year, subject to the person not availing of the special administrative arrangements in respect of pay. Any such applications should be in writing as soon as is reasonably practicable but not later than six weeks prior to the proposed commencement date of the period of special leave.
- 13.4. Following receipt of your application, a decision will be given, and if the leave is approved, you will receive confirmation in writing from Human Resources of the dates applicable. Where an application is refused, the reason(s) for the refusal will be stated.

13.5. While DIT will grant applications for special leave as far as possible, the needs of the work may require that some or all applications will have to be refused. The operation of the scheme is subject to the operating requirements DIT not being adversely affected. It is also important that the absence of staff on special leave does not place an undue burden on the staff remaining in the workplace. DIT will consider the work patterns and anticipated leave needs of those remaining in the workplace when considering whether an application will impact upon operating requirements.

13.6. DIT may decide, where not all applications can be granted, to set out the grounds on which priority will be given to applications, for example, priority to be given to staff who have not previously availed of special leave under this scheme (or Term Time Leave under the relevant Circular). DIT has discretion to refuse some or all of the applications made. In particular, DIT may refuse an application for special leave under this scheme in the following circumstances –

13.6.1. the person has specialist or hard-to-replace skills

13.6.2. the person works in a location or area where an absence would be difficult to accommodate for the proposed period of special leave

13.6.3. where there are a number of applications from a particular location or work area for special leave under this scheme

13.6.4. where there are or will be a number of persons on reduced work hours or other types of leave, including statutory leave, in that location or area under other schemes, or

13.6.5. any other stated reason.

13.7. DIT will consider, in advance of refusing any application, whether an application for a different period of special leave or a different time of the year would be acceptable and, if so, discuss changing or deferring the period of special leave with the applicant. Where applicable, Line Managers may, in consultation with relevant staff, wish to arrange for staggered periods of special leave (e.g. over the summer months).

13.8. Persons whose applications are accepted will be required to confirm, in writing, that they wish to avail of the relevant period of special leave without pay. It will not be possible for a participant to withdraw or to alter an application for the scheme once that undertaking has been given if they have applied for special salary arrangements. An offer of participation must be accepted within five working days of the offer being made to a person. Failure to do so will be considered as a refusal. An offer may then be made to another person.

QUERIES ON THE POLICY & GUIDELINES

Contact: Resourcing – Leave & Benefits, Human Resources

E-Mail: hr@dit.ie

Appendix A

Annual Leave Calculations for Staff availing of the Shorter Working Year scheme

1. Annual Leave - Full Time Staff

1.1. A person who has 22 days annual leave and avails of thirteen weeks unpaid special leave, would have their annual leave entitlement reduced by 25% or 5.5 days to reflect the period of unpaid special leave. As the pro rata reduction would leave the person with less than their statutory minimum, they will still receive 20 days.

The officer will still have worked for more than 1365 hours and therefore entitled to 4 working weeks (20 days)

(6.95 hours per day * 5 days * 39.18 weeks = 1361.505 hours in the year. Plus payment for the August Bank holiday = total of 1368.455 hours.)

1.2. A person who has 29 days annual leave and avails of thirteen weeks unpaid special leave, would have their annual leave entitlement reduced by 25% or 7.25 days to reflect the period of Term Time leave. Their annual leave entitlement would be 22 days.

2. Annual Leave - Worksharers

2.1. The Organisation of Working Time Act provides that from 1 April 1999, depending on time worked, the holiday entitlement of an employee should be calculated by one of the following methods, whichever is the more favourable:-

(a) 4 working weeks in a leave year in which the employee works at least 1,365 hours (unless it is a leave year in which he or she changes employment);

(b) one third of a working week per calendar month that the employee works at least 117 hours;

(c) 8% of the hours an employee works in a leave year (but subject to a maximum of 4 working weeks); (Option (d) is not part of the Organisation of Working Time Act 1997)

(d) Pro-rata the holiday entitlement of an equivalent full-time employee in that grade.

2.2. In calculating the number of days' holidays to which an employee is entitled for the purposes of (a) (b) and (c) above, employers should include all hours worked including extra attendance, rostered time spent on any form of paid leave (such as maternity leave, adoptive leave, paternity leave, force majeure parental leave, marriage leave, paid study leave and paid examination leave), as well as holidays and public holidays taken during the calculation period. Certain unpaid leave is also counted (such as maternity leave and adoptive leave).

3. Worksharing staff availing of the Shorter Working Year scheme

3.1. **Example 1 – Clerical Officer - Worksharer - 4 day week pattern - avails of 10 weeks unpaid special leave (on 20 days leave if full time)**

1 day = 6.95 hours, 1 week = 27.8 hours (6.95 x 4) Annual hours = 1172.6 hours (27.8 hours x 42.18 weeks)

1172.6 hours is 64.68% of the annual hours of a full-time person (1813.255 hours) for D.

The officer was paid for the August bank holiday (only one in this example).

1172.6 + 6.95 = 1179.554 hours worked for A - C.

Option A - does not apply in this case because the person works less than 1,365 hours per year.

Option B - for the purposes of this example there are eight months in which 4 day week person availing of the Shorter Working Year scheme may work more than 117 hours in the month. $1/3$ of a week = 9.27 hours x 8 = 74.16 hours per year. $74.16 \div 6.95 = 10.67$ days leave.

Option C - 8% of 1172.6 hours (total annual hours) = 94.36 hours \div 6.95 = 13.58 days (rounded up to 14 days).

Option D - pro rata a full-time person. 20 days x 64.68% = 12.93 days.

Option C gives the most favorable outcome - person entitled to 14 days annual leave.

3.2. Example 2 -Clerical Officer - Worksharer - 4 day week pattern - avails of 13 weeks unpaid special leave (on 20 days leave if full time)

1 day = 6.95 hours, 1 week = 27.8 hours (6.95 x 4) Annual hours = 1089.2 hours (27.8 hours x 39.18 weeks)
1089.2 hours is 60.07% of the annual hours of a full-time person

Option A - does not apply in this case because the person works less than 1,365 hours per year.

Option B - for the purposes of this example there are eight months in which a 4 day week person availing of the Shorter Working Year scheme may work more than 117 hours in the month. $1/3$ of a week = 9.27 hours x 8 months = 74.16 hours per year. $74.16 \div 6.95 = 10.67$ days leave.

Option C - 8% of 1089.2 hours (total annual hours) = 87.14 hours \div 6.95 = 12.54 days leave (rounded up to 13 days).

Option D - pro rata a full-time person. 20 days x 60.07% = 12.01 days

Option C gives the most favorable outcome - person entitled to 13 days annual leave.

3.3. Example 3 -Assistant Principal - Worksharer - 4 day week pattern - avails of 10 weeks unpaid special leave

1 day = 6.95 hours, 1 week = 27.8 hours (6.95 x 4), Annual hours = 1172.6 hours (27.8 hours x 42.18 weeks)
1172.6 hours is 64.68% of the annual hours of a full-time person 1 day = 6.95 hours

Option A - does not apply in this case because the person works less than 1,365 hours per year.

Option B - for the purposes of this example there are eight months in which a 4 day week person availing of the Shorter Working Year scheme may work more than 117 hours in the month. $1/3$ of a week = 9.27 hours x 8 = 74.16 hours per year. $74.16 \div 6.95 = 10.67$ days leave.

Option C - 8% of 1172.6 hours (total annual hours) = 93.8 hours \div 6.95 = 13.49 days.

Option D - pro rata a full-time person. 31 days x 64.68% = 20.04 days (rounded up to 20.5 days).

Option D gives the most favorable outcome - person entitled to 20.5 days annual leave

3.4 Example 4 -Assistant Principal - Worksharer - 3-day week pattern - avails of 13 weeks unpaid special leave

1 day = 6.95 hours, 1 week = 20.85 hours (6.95 x 3) Annual hours = 816.9 hours (20.85 hours x 39.18 weeks)

816.9 hours is 45.06% of the annual hours of a full-time person

Option A - does not apply in this case because the person works less than 1,365 hours per year.

Option B - does not apply in this case because a person working a 3 day week pattern works less than 117 hours per month.

Option C - 8% of 816.9 hours (total annual hours) = 65.35 hours ÷ 6.95 = 9.4 days.

Option D - pro rata a full-time person. 31 days x 45.06% = 13.97 days (rounded up to 14 days).

Option D gives the most favorable outcome - person entitled to 14 days annual leave.



SHORTER WORKING YEAR SCHEME- APPLICATION FORM

This application form is to be completed in conjunction with the Shorter Working Year scheme policy and guidelines HRP050. This application form should be completed in full and the original submitted to **Resourcing & Benefits, Human Resources, Dublin Institute of Technology, 5th Floor, Park House Grangegorman, 191 North Circular Road, Dublin 7, D07 EWV4.**

Staff Member Details:

Name: _____	Staff No: _____
Department: _____	Ext.: _____
Position: _____	
Date of commencement of employment: _____	
Number of months/years in current position (approximately): _____	
Periods of leave already taken under the Shorter Working Year Scheme:	

Number of weeks of leave requested:

Under the terms of the scheme, special leave is available as a period of not less than 2 and not more than 13 consecutive weeks. This leave may be taken as one continuous period, or as a maximum of 3 separate periods, each consisting of not less than 2 weeks and not exceeding 13 weeks in total.

I wish to avail of unpaid leave under the Shorter Working Year Scheme for:

- _____ weeks from ____/____/20_____ to ____/____/20_____
- _____ weeks from ____/____/20_____ to ____/____/20_____
- _____ weeks from ____/____/20_____ to ____/____/20_____

Pay Arrangements:

I require my salary for this shorter working leave year to be administered as follows:

Tick as appropriate

- on a no-pay basis for the period of unpaid special leave

or

- by way of special arrangements, under which I will be paid a pro-rata salary throughout the year
for the tax year commencing 1st January 20____

Please state the address to which payslips should be sent in the event that you are taking this leave for a period of one month or more:

Declaration of Staff Member:

I understand that should my application be successful and I receive confirmation of this, it will not be possible to withdraw or alter my application for the scheme once I have given an undertaking to participate. I am also aware that any overpayment which may arise from my participation in the scheme will be repaid to the Institute not later than 31st December in the year of participation.

I declare that all the information given in this application is true and complete.

Signed _____ **Dated** _____

Recommendation of Line Manager:

Tick as appropriate

I support this application for special leave under the Shorter Working Year Scheme

or

I do not support this application for special leave under the Shorter Working Year Scheme

If an application is not supported, please state the reason(s):

Signed _____

Dated _____

For Human Resources Use Only:

Tick as appropriate

This application has:

Been approved

Not been approved

Comments:

Signed _____

Dated _____