

Shorter Working Year

HR Policy Document Record	
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Policy Owner	Human Resources
Approval Body	President's Group
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Notes	

1. POLICY AND SCOPE

- 1.1 This policy is governed by circular letters issued by the Department of Education and Skills and supersedes any previous policies or circular letters on Term Time.
- 1.2 The purpose of a shorter working year is to provide staff with an opportunity to balance their working arrangements with outside commitments where business circumstances allow.
- 1.3 A shorter working year is available to staff who have completed one year's continuous service with the University before the commencement of the unpaid leave.
- 1.4 A shorter working year is not available to staff who are on probation at the time it is proposed to take the unpaid leave.
- 1.5 A shorter working year is available as a period of **not less than 2 and not more than 13 consecutive weeks leave in total**. The leave may be taken as **one continuous period, or as a maximum of three separate periods** during the annual leave year.
- 1.6 This policy is intended to provide such staff with details on the application procedures and guidelines, considered by TU Dublin and the staff member's rights while on a shorter working year.
- 1.7 **A staff member who has been granted a shorter working year should not have an expectation that they will be granted a shorter working year in the following or subsequent years.**

2. APPLICATION PROCEDURE AND GUIDELINES

- 2.1 The staff member should meet with their manager to advise that they would like to apply for a shorter working year. The staff member and the manager should consider the period of the leave and alternative arrangements for the carrying out of the duties of the staff member's role.
- 2.2 It is important that the approval of a staff member to have a shorter working year does not adversely impact the overall work of their department/function and that the leave does not place an undue burden on the staff remaining in the workplace.
- 2.3 Where arrangements are agreed between the staff member and the manager, the **Shorter Working Year Application Form** must be completed and submitted to Human Resources.
 - 2.3.1 An applicant who wishes to have their reduced salary paid over the following 12 month calendar year, must submit their application to Human Resources **no later than 15 November**.
 - 2.3.2 All other applications must be received by 15 December and salary will be deducted by way of lump sum for the period of leave.
 - 2.3.3 At the discretion of the University, applications may be considered no later than 6 weeks in advance of the proposed period of leave in circumstances where the applicant has not applied by 15 December. In such circumstances salary will be deducted by way of lump sum for the period of leave.
 - 2.3.4 The **Shorter Working Year Leave Application Form** can be found at the end of this policy.
- 2.4 Human Resources will confirm the arrangements in writing to both the applicant and the manager. Where an application is refused, the reason(s) will be stated.
- 2.5 A manager may decide, where not all applications can be approved, 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 the leave.

- 2.6 A manager, may at their discretion, not approve an application for a shorter working year. In particular, the application may be refused in the following circumstances:
- 2.6.1 the staff member has specialist or hard-to-replace skills;
 - 2.6.2 the staff member works in a location or area where an absence would be difficult to accommodate for the proposed period of leave;
 - 2.6.3 where there are a number of applications from a particular location or work area (refer to 1.7);
 - 2.6.4 where there are or will be a number of staff on reduced work hours or other types of leave, including statutory leave, in that location or area under other schemes; or
 - 2.6.5 any other stated reason.
- 2.7 In advance of refusing an application, a manager will consider whether an application for a different period of leave would be acceptable and, if so, discuss changing or deferring the period of leave with the applicant.
- 2.8 The staff member and the manager can agree to postpone or curtail the period of leave after it has been confirmed by Human Resources subject to the necessary salary adjustments being possible. This decision is at the discretion of the University.

3. LEAVE ARRANGMENTS WHILE ON A SHORTER WORKING YEAR

3.1 Annual Leave

The annual leave allocation of the staff member will be reduced to take account of the period of leave. Staff who are approved for a Shorter Working Year should not apply for annual leave 4 weeks immediately before or after the shorter working year period. Where the staff member would like to apply for annual leave during these periods, they should discuss this with their manager. The annual leave will be approved or not at the manager's discretion.

A staff member on full-time hours who is approved for a shorter working year will, in the absence of any other additional unpaid leave, be entitled to a minimum of 20 days annual leave. A staff member with an annual leave allowance in excess of 20 days will have their allowance reduced on a pro-rata basis. Pro-rata arrangements will apply to a staff member who is on reduced working hours and who is approved for a shorter working year. Refer to Appendix 1.

3.2 Public Holidays

A staff member on full-time hours who is approved for a shorter working year and who has not been absent for more than 13 weeks prior to a public holiday is entitled to that day. Where public holidays fall during the Shorter Working Year period, these days will be paid and added to the end of the Shorter Working Year period.

Pro-rata arrangements will apply to a staff member who is on reduced working hours and who is approved for a shorter working year.

3.3 Sick Leave

A staff member who is approved for a shorter working year can avail of sick leave during the period of leave provided a medical certificate is provided at the earliest opportunity.

3.4 Career Breaks

A staff member who is approved for a shorter working year and whose salary is paid over twelve months, will normally not be approved to take a career break in the same year in which they are taking the leave. Where a career break is approved, any overpayment which may have arisen as a consequence of taking the leave, must be repaid prior to the commencement of the career break.

4. SALARY ARRANGEMENTS WHILE ON A SHORTER WORKING YEAR

- 4.1 While the leave is **unpaid**, a staff member who is approved for a shorter working year may apply to have their reduced salary paid over a 12-month calendar year. The staff member may not vary their working hours during the same year (refer to 2.3.1).
- 4.2 Alternatively, salary will be deducted by way of lump sum for the period of leave i.e. no-pay basis (refer to 2.3.2).
- 4.3 The terms of the TU Dublin Overpayments to Staff policy will apply. TU Dublin reserves the right at any time during this employment, or on termination of this employment from TU Dublin, to deduct from the staff member's salary, the amount of any overpayment in accordance to the provisions of the Payment of Wages Act 1991.

5. PROTECTION OF EMPLOYEE RIGHTS

- 5.1 Employment rights, except the right to remuneration and superannuation benefits, are unaffected during period of leave in the context of a shorter working year.
- 5.2 Periods of leave during a Shorter Working Year are non-reckonable for superannuation purposes. Further details are available from Pensions on the staff member's host campus.
- 5.3 To ensure preservation of social insurance records, staff should contact the Department of Employment Affairs & Social Protection to ensure that appropriate credits are made during period of leave.

6. FAMILY INCOME SUPPLEMENT

- 6.1 A staff member who is on a shorter working year and is in receipt of Family Income Supplement must contact the Department of Employment Affairs & Social Protection to clarify their entitlements.

7. QUERIES

Contact: Leave and Benefits Team

E-Mail: Leaveandbenefits@tudublin.ie

SHORTER WORKING YEAR APPLICATION FORM

Where the applicant wishes to have their reduced salary paid over the following 12-month calendar year, the application must be received by Human Resources **no later than 15 November**.

Where the applicant wishes to have their salary deducted by way of lump sum for the period of leave i.e. no-pay basis during the following calendar year, the application must be received by Human Resources **no later than 15 December**.

To be completed by the Applicant

Name (in print): _____

Staff No.: _____

Commencement Date of Employment: _____

Function/School: _____

Home/Mobile Contact No: _____

Number of weeks of leave requested (not less than 2 and not more than 13 consecutive weeks leave in total)

The leave may be taken as **one continuous period**, or as a **maximum of three separate periods** during the annual leave year.

_____ weeks from _____ / _____ / _____ to _____ / _____ / _____

_____ weeks from _____ / _____ / _____ to _____ / _____ / _____

_____ weeks from _____ / _____ / _____ to _____ / _____ / _____

Salary Arrangements

I would like my salary for this shorter working year to be administered as follows (tick as appropriate):

- by spreading the reduced salary over a 12-month calendar year commencing 1 January _____

- deducted by way of lump sum for the period of leave i.e. no-pay basis

I have read and understand the TU Dublin policy and procedures for Shorter Working Year. I fully accept and agree to comply with same, and expressly the Pension related implications. I understand that I can postpone or curtail the period of leave after it has been confirmed by Human Resources subject to the necessary salary adjustments being possible. I understand that this decision is at the discretion of the University. I understand that the terms of the TU Dublin Overpayments to Staff policy will apply. TU Dublin reserves the right at any time during this employment, or on termination of this employment from TU Dublin, to deduct from my salary, the amount of any overpayment in accordance to the provisions of the Payment of Wages Act 1991.

Signature of Applicant: _____ **Date:** _____

To be completed by Relevant Line Management (i.e. Head of School/Department/Function as appropriate)

I certify that I have approved this application in accordance with the TU Dublin Shorter Working Year policy.

Signature: _____ **Date:** _____

If an application is not approved, please state the reason(s) below. If an application is not approved, the relevant line manager should communicate this to the staff member prior to forwarding the application form to HR.

Signature: _____ **Date:** _____

To be completed by HR

I note that this application was approved / not approved in accordance with the TU Dublin Shorter Working Year Policy. Where the application has been approved, Payroll has been instructed to make the necessary salary adjustments.

Signature of Head of HR or nominee / HR Manager: _____

Date: _____

Appendix 1

Examples of Annual Leave calculations for a staff member approved for a shorter working year:

1. Staff on full-time hours

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

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

3. Staff on reduced working hours

Where there is an equivalent full-time staff member in that grade, pro-rata arrangements will apply.

Where no such equivalent exists, the Organisation of Working Time Act will be used to calculate the staff member's annual leave entitlement, whichever is the more favourable, i.e.

- (a) 4 working weeks in a leave year in which the staff member works at least 1,365 hours (unless it is a leave year in which they change employment);
- (b) one third of a working week per calendar month that the staff member works at least 117 hours;
- (c) 8% of the hours a staff member works in a leave year (but subject to a maximum of 4 working weeks);

In calculating the number of annual leave days to which a staff member entitled for the purposes of (a), (b) and (c) above, the University will include all hours worked including extra attendance, rostered time spent on any form of paid leave (for example maternity leave, adoptive leave, paternity leave, force majeure, marriage leave, study leave and examination leave), as well as annual leave and public holidays taken during the calculation period.