

CIRCULAR NO: 1997/9

DENI
Department of Education
Northern Ireland

To: Education and Library Boards and
Principals of Institutions of Further Education

14 May 1997

CHANGES TO SICK LEAVE PROVISIONS FOR LECTURERS IN FURTHER EDUCATION COLLEGES FROM 1 JUNE 1997

1. This circular announces a revision of certain sick leave provisions for lecturers in further education colleges to ensure compatibility with annual leave provisions in the new contract for full-time permanent FE lecturers (as defined therein).
2. The enclosed determination gives effect in law to the new provisions, which will operate from 1 June 1997.
3. The main change to existing provision is in paragraph 3(4). A period of illness during annual leave will not count against entitlement to sick leave with pay under paragraph 3(1) unless the annual leave is accrued and subsequently taken, in which case it will count.
4. Other changes are -
 - a. revised definitions of "teacher" and "working day" in paragraph 2;
 - b. the substitution of the words "a day of public holiday" for "any period of days which are not working days other than vacation periods etc" in paragraph 3(7).

R S DAVISON

TERMS AND CONDITIONS OF EMPLOYMENT OF TEACHERS IN INSTITUTIONS OF FURTHER EDUCATION

Determination

1. In accordance with the provisions of Article 69(1) and (6) of the Education and Libraries (Northern Ireland) Order 1986 and Article 42 (3) of the Education and Libraries (Northern Ireland) Order 1993, the Department of Education has determined that the terms and conditions of employment of teachers in institutions of further education shall include the arrangements set out in this determination.

Interpretation

2. In this determination –
“teacher” means a full-time permanent lecturer employed in a permanent capacity, an Associate Lecturer on a pro-rata contract, a part-time lecturer sharing a full-time post on a job sharing basis, and a temporary lecturer paid salary as though he were employed in a permanent capacity.

“working day” means a day, Monday to Friday inclusive, which is not a day of annual leave or public holiday.

Absence due to illness

3. (1) A teacher shall, subject to the provision of these regulations, be entitled, whilst absent because of illness, to receive salary in any period of one year which shall be deemed to end on 31st March, in accordance with the following scale:

- (a) during the first year of service, salary at the full rate for 25 working days, and after completing four calendar months’ service, salary at one-half of the full rate for 50 working days;
- (b) during the second year of service, salary at the full rate for 50 working days, and at one-half of the full rate for 50 working days;
- (c) during the third year of service, salary at the full rate for 75 working days, and at one-half of the full rate for 75 working days.
- (d) during the fourth and successive years of service, salary at the full rate for 100 working days, and at one-half of the full rate for 100 working days.

(2) A teacher who is appointed from a date other than 1st April shall be deemed for the purposes of paragraph (1) to have been appointed from the preceding 1st April but shall have completed four calendar months actual service before being entitled while absent owing to illness to any salary at one-half of the full rate.

(3) The period from 1st April until the return to duty of a teacher absent owing to illness on 31st March in any year and who continues to be absent for this reason after that date shall be considered to be part of the preceding year for the purpose of determining

entitlement to sick leave with pay, and if such a teacher, after returning to duty, should subsequently be absent owing to illness before 1st April following, his entitlement to sick leave with pay shall be determined under paragraph (1) but reckoned as from the date of returning to duty after his previous illness.

(4) Subject to the provisions of paragraph (5), a teacher who was ill immediately preceding a period of annual leave and who continues to be ill, shall be paid at the rate applicable to him under paragraph (1) on the last working day before the annual leave commenced, or where he had ceased to be entitled to salary at one-half of the full rate, he shall not be entitled to salary. A period of illness during annual leave shall not count against his entitlement under paragraph (1), unless the annual leave is accrued and subsequently taken, in which case it shall count.

(5) A teacher who has been ill immediately preceding a period of annual leave and has ceased to be entitled to salary at the full rate or one-half of the full rate and who recovers from illness during the period of annual leave, shall be regarded as having returned to duty on the day he is certified medically fit to do so by means of a medical certificate obtained for that purpose, and salary at the full rate shall be paid to him from that date provided he actually resumes duty on the first day after the said period of annual leave.

- (6) (a) Subject to sub-paragraph (b) a teacher who is absent because of illness shall not be entitled to salary for more than 3 successive calendar days unless he furnishes to the Department -
- (i) a self-certificate for absences of less than 8 successive calendar days; or
 - (ii) a medical certificate, giving the nature of the illness and certifying the teacher's incapacity for work, for absences of 8 or more calendar days.
- (b) A teacher who has been absent because of illness for a total of 20 working days in any year ending 31st March and who has not furnished a medical certificate in respect of any of those 20 days shall not be entitled to salary for any subsequent days of absence through illness in that year unless he furnishes a medical certificate.

(7) Where a teacher is absent owing to illness and the absence includes a day of public holiday, he shall be entitled to payment for that day at the full rate of salary or at one-half of the full rate as the case may be on the same basis as the rate related to the last working day preceding that day, or where the teacher has ceased to be entitled to salary at one-half of the full rate, he shall not be entitled to salary.

(8) Where a teacher's absence is certified by a registered medical practitioner to be due to pulmonary tuberculosis he shall be entitled to receive salary at the full rate in respect of the first twelve months of the absence and salary at one-half of the full rate for a further period of absence not exceeding six months.

(9) In this determination "a self-certificate" means a statement made by the teacher in writing that he has been unfit for work because of illness and giving the duration and nature of the illness.