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**From:** Anne Marie Hoey, National Director of Human Resources

**Date:** 19<sup>th</sup> July 2022

**Subject:** HR Circular 022/2022: Temporary scheme of Paid Leave for Public Health Service Employees unfit for work post COVID-19 infection

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Dear Colleagues

As previously set out in [HSE HR Circular 18-2022](#), revised criteria for Special Leave with Pay for COVID-19 (SLWP) came into effect from 1 July 2022 in respect of all public health service employees. Under the revised criteria, SLWP will apply for the duration of the stated self-isolation period only (whatever duration is in place at the time of the absence, currently 7 calendar days). From 1 July 2022 any periods of COVID-19 related illness which extend beyond the self-isolation period, as stated on the [HSE website](#), will be treated as ordinary sick leave.

The Department of Public Expenditure and Reform (DPER) has conveyed sanction for the implementation of a temporary scheme of paid leave for eligible public health service employees who ceased to be entitled to SLWP from 1 July 2022, as per the revised DPER criteria, and are currently unfit for work due to post COVID-19 infection. The eligibility criteria and conditions governing this scheme are set out below. There will be no extension to this temporary scheme beyond 30 June 2023 and if employees remain unwell and no other action has been taken then they will move to ordinary sick leave arrangements from 1 July 2023.

## 1. Effective date

This scheme is effective from **1 July 2022** and will apply retrospectively to eligible public health service employees as set out in section 2 of this Circular. Health service employers are responsible for identifying and notifying the eligible employees in relation to application of this scheme.

## 2. Scope

This temporary scheme will only apply to public health service employees who meet all of the following criteria:

- i. have been identified as working in COVID-19 exposed healthcare environments prior to contracting COVID-19 infection,
- ii. were in receipt of SLWP for COVID-19 for at least 84 days prior to 7 February 2022 and were still on SLWP up to 30 June 2022, and
- iii. were eligible under the terms of the special extension under section 3 of HSE HR Circular [73/2020](#) for continued payment of SLWP after 7 February 2022 up to 30 June 2022.

*“3. Special provisions for the Continuation of SLWP beyond 28 days SLWP may be extended beyond 28 days for certified COVID-19 related illness in circumstances where a manager determines that all four criteria below are met:*

*(i) An employee had been in the work premises at any time during the 14 days prior to commencing the self-isolation period of a positive case of COVID-19. The work premises includes any location, outside the home, an employer requires an employee to attend as part of their work role, e.g. in community settings, home visits. The attendance at the work premises/on site must have been known to and/or approved by the manager in advance.*

*(ii) The employee provides their employer with medical evidence of a positive COVID-19 test<sup>2</sup> including the date of this test.*

*(iii) In accordance with the employer’s standard management referral process, the Occupational Health Physician (OHP) confirms that the employee is medically unfit to resume work. How this will work in practice in Section 38 organisations will be based on the normal arrangements that apply for medical referrals to determine an employee’s fitness to resume work or otherwise during sickness absence.*

*(iv) The OHP confirms that the employee’s absence relates primarily to ongoing COVID-19 illness, and that they are accessing medical care.*

*The employee will be required at all times to comply with their employer’s HR policies and procedures governing sickness absence, such as the organisation’s Managing Attendance Policy and Rehabilitation Policy, and to co-operate with medical referrals by the employer.”*

In order to qualify for the new scheme one of the criteria is that the employee must have worked in a COVID 19 exposed environment prior to their COVID-19 absence. This is defined in the *Risk Assessment for COVID-19 Vaccination Guidelines for Healthcare Workers* (12th July 2021) in Appendix 1 titled ‘Risk Categorisation Guidelines Category A’ (copy attached).

It includes:

- Direct physical contact with patients/clients, deceased persons, body parts, blood, body substances, infectious material or surfaces or equipment that might contain these (e.g. soiled linen, surgical equipment, syringes)
- Contact that would allow the acquisition or transmission of diseases that are spread by respiratory means, such as:
  - Workers with frequent/prolonged face to face contact with patients or clients (e.g. interviewing or counselling individual clients or small groups; performing reception duties in an emergency/outpatient department, attending patients/clients in their own homes);
  - Where the normal work location is a clinical area such as a ward, outpatient clinic (e.g. ward clerks, patient transport officers);
  - Where the normal work location means workers are frequently required to attend clinical settings (e.g. persons employed in food services who deliver meals to patients on a hospital ward, maintenance workers who make repairs on a hospital ward with patients present.)

### 3. Pay Provisions

The pay provisions will apply to eligible employees with effect from 1 July 2022 and are as follows:

- (i) Full payment for a period of up to six months (basic pay, fixed allowances and premium payments\*).

(ii) First Special Extension

If it transpires before the end of the six-month period that the employee is unlikely to be able to return to work at the end of the six-month period or immediately thereafter, but there remains a reasonable expectation that the employee may return to work, a first special extension of pay of three months under this scheme may be granted. Basic pay, fixed allowances and premium payments\* will apply during the first extension of 3 months.

(iii) Second Special Extension

Notwithstanding the above, if it transpires after medical evidence that a return to work is unlikely during the three-month period or immediately thereafter, but there still remains a reasonable expectation that the employee will return to work, a final extension may be granted. This special extension will not exceed a period of three months. This final extension will provide for basic pay and fixed allowances. Unsocial hours premium payments will **not** apply during this three-month period.

\*The inclusion of premium payments during the first six months and the first special extension (3 months), as set out at (i) and (ii) above, will be based on the eligibility criteria and methodology as set out in the following circulars: [HSE HR Circular 13/2021](#) and [HSE HR Circular 64/2020](#).

There will be no extension to this scheme beyond 30 June 2023 and if employees remain unwell and no other action has been taken then they will move to ordinary sick leave arrangements from 1 July 2023.

#### **4. Conditions of the Scheme**

Following the cessation of SLWP with effect from 1 July 2022 for existing cases<sup>1</sup>, the eligible employees (as set out under section 2 of this document) will transfer onto this new temporary scheme, with effect from 1 July 2022, subject to the following conditions:

**i. Co-operation with HR policies and procedures**

The employee will be required at all times to comply with their employer's HR policies and procedures governing sickness absence, such as the organisation's Managing Attendance Policy and Rehabilitation Policy, and to co-operate with medical referrals by the employer.

**ii. Occupational Health medical assessments**

In accordance with the employer's standard management referral process, the Occupational Health Physician (OHP)<sup>2</sup> will carry out an appropriate assessment regarding an employee's fitness for duty. During an employee's absence and/or phased return, OHP confirmation that the employee is accessing appropriate medical care and rehabilitation supports is required.

**iii. Rehabilitation Plan to facilitate a return to work**

As part of the medical assessment, the OHP may recommend reasonable accommodation<sup>3</sup> to facilitate an employee's return to work as part of their rehabilitation plan. This may include a temporary adjustment to work duties and/or a phased return to work for a limited period. The manager will determine whether any such recommended measures are reasonably practicable to implement and engage with the employee. An employee is obliged to co-operate with measures that are deemed appropriate by management based on medical advice.

If an employee is undergoing a temporary phased return to work, paid leave for employees unfit for work post COVID-19 infection will apply, subject to defined time limits, to the portion of contracted hours that the employee is deemed temporarily unfit to work due to the medically certified COVID-related illness. This payment to an employee will be kept under review and will only apply for the necessary period up to 30 June 2023. The specific time limit for the temporary phased return arrangement should be determined on a case-by-case basis.

#### **5. Recording and reporting requirements**

Employers are required to maintain a separate record of all employees who are deemed eligible for receipt of payment under this temporary scheme in order to comply with data requests from the HSE and Department of Health.

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<sup>1</sup> Since 1 July 2022 SLWP only applies to new cases for the period of COVID-19 self-isolation as per Public Health/HSE advice. The current self-isolation period is 7 days.

<sup>2</sup> Some Section 38 employers engage external Occupation Health Physicians to conduct medical assessments.

<sup>3</sup> This is also required to discharge an employer's obligation to provide appropriate measures under the Employment Equality Acts 1998-2015.

For SAP sites, SAP CoE have commenced the configuration of the new absence code, titled **Temp Post Covid Scheme**, as follows:

- Absence Type is 0404 – Temp Post Covid Scheme
- Time ID is A064 - Temp Post Covid Scheme

This absence can be entered by Time Returning Officers via Time Manages Workplace (PTMW) or by HR via PA30. SAP CoE have confirmed that they will issue a broadcast message to be published on the SAP HR/ Payroll system advising all SAP users about this new Absence Type and Time ID when it is available. This will also be issued to all HR Managers by Business Support and to both Time and PA input staff by the Training Team.

All other HSE areas (non SAP sites) and Section 38 employers will be required to submit data directly to the HSE on the number of employees who are in receipt of this payment and further communications will issue in this regard. Please ensure that a separate record of employees who are granted payment under this new scheme is maintained so that this information is readily available upon request.

Please ensure that this Circular is brought to the attention of all relevant managers and staff in your area of responsibility and arrangements are made to notify the eligible employees as soon as possible in relation to application of this scheme.

### **Queries**

Queries from individual employees or managers regarding these arrangements should be referred to local HR Departments/Employee Relations Departments. Please note that the National HR Helpdesk is also available to take queries from employees Tel: 1800 444 925  
Email: [Ask.HR@hse.ie](mailto:Ask.HR@hse.ie)

Queries from HR Departments on the contents of this Circular may be referred to National Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2 Tel: 01 6626966,  
Email: [info.t@hse.ie](mailto:info.t@hse.ie)

Yours sincerely



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