

	Annual Leave Policy	Ref No: 3.42
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1. PURPOSE

The following policy outlines the annual leave entitlements and procedures to be followed in granting annual leave.

2. SCOPE

This policy applies to all employees of LauraLynn. Holiday and public holiday entitlements are governed by the Organisation of Working Time Act, 1997.

3. DEFINITIONS

Annual Leave is defined as a period of paid absence from work as part of the employment contract.

4. RESPONSIBILITIES

The Executive Management Team with support from the Human Resources Department are responsible for implementing this policy.

5. POLICY

5.1 All members of staff working under a contract of employment, regardless of status or service, qualify for paid annual leave based on the hours that he/she works up to a maximum of the annual leave entitlement for the wholetime grade. Time spent working overtime does not entitle a staff member to accrue annual leave except where the staff member falls short of the minimum entitlement as set out by the Organisation of Working Time Act, 1997.

5.2 Annual leave entitlements are calculated and recorded in hours. All entitlements are outlined in staff member's contract of employment.

5.3 The "working week" is defined as the number of days or hours that the staff member usually works in a week. For example - if a staff member works 3 x 7.5 hour days per week (i.e. 22.5 hours) then an entitlement to four weeks annual leave will amount to 12 x 7.5 hour days leave in total (90 hours).

5.4 **Part Time Staff:** Part time staff, who fall within the scope of the Protection of Employees (Part-Time Workers) Act, 2001, will be granted annual leave on a pro rata basis to the relevant full-time equivalent post.

5.5 **Termination of Employment:** If a member of staff leaves the Service and has accrued annual leave that has not been taken, the Service will pay the staff member for this accrued leave. If a member

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of staff leaves and has taken more annual leave than he or she has accrued, the Service will claim back the amount owing to it from the final salary payments.

5.6 The annual leave year is from 01st January to 31st December.

5.7 All leave, unless otherwise agreed, must be taken within the leave year. In exceptional circumstances, with the prior agreement of the Head of Dept., a maximum of 5 days (or equivalent hours) leave may be carried over to the first 3 months of the following year. Carried forward leave must be taken within this period of three months.

5.8 LauraLynn will endeavour to accommodate staff with regard to the timing of annual leave, however service level needs may dictate when leave may be used. The final decision on the timing of annual leave rests with the Head of Dept.

6. ANNUAL LEAVE AND OTHER LEAVE

6.1 Sick leave (paid or unpaid), statutory maternity leave, additional maternity leave, adoptive leave, additional adoptive leave, health and safety leave, parental leave, force majeure leave, carers' leave (for first 13 weeks only) and time worked on a public holiday are included in calculating annual leave.

6.2 Annual Leave and Sick Leave:

Any sick leave taken immediately before the commencement of annual leave will require a doctor's certificate.

6.3 Accrual Of Annual Leave During Sick Leave:

Section 86 of the Workplace Relations Act 2015 amends sections 19, 20 and 23 of the Organisation of Working Time Act 1997. Under this Act staff are entitled to accrue annual leave during periods of sick leave. The Act provides only for statutory annual leave to be carried forward.

6.3.1 When a member of staff is absent from work due to illness and where he/she submits medical certificate from a registered medical practitioner in respect of that illness, then the staff member will be entitled to accrue statutory annual leave whilst on sick leave.

6.3.2 The accrued statutory annual leave should be taken within the hospital leave year (January to December) to which it relates, or, with the consent of staff member, within 6 months after the end of that leave year.

6.3.3 However, if it is not possible, due to illness, for the member of staff to take all or any of his/her statutory annual leave entitlement within the leave year in which it accrued or within 6 months

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after the end of that leave year in which it accrued, it will be granted to the member of staff within 15 months of the end of the leave year in which it accrued i.e. within 9 months following the expiration of the 6 month period in which the leave could not be taken due to illness.

6.4 All annual leave and other leave entitlements are calculated on a pro rata basis for part-time staff.

6.5 A medical certificate must be submitted to the Head of Dept. in respect of any sickness absence immediately preceding annual leave.

7. PROCEDURES

7.1 Staff wishing to take annual leave must apply, in advance, via the Softworks Employee Self Service System giving as much prior notice as possible.

7.2 Before granting annual leave the Head of Dept. will -

7.2.1 Ensure the departmental needs will be met while the member of staff is away.

7.2.2 Approve or disapprove the leave application via Clockwise Softworks system after which an automatic email will be sent to the staff member.

8. PUBLIC HOLIDAYS

8.1 There are 10 public holidays each year:

- New Years Day
- St. Brigid's Day
- St. Patrick's Day
- Easter Monday
- First Monday in May
- First Monday in June
- First Monday in August
- Last Monday in October
- Christmas Day
- St. Stephen's Day (26th December)

8.2 All full-time staff have an immediate entitlement to benefit from public holidays. All part-time staff that have worked at least 40 hours in the five weeks up to the day before the public holiday are also entitled to benefit. Under the Organisation of Working Time Act 1997 a staff member is entitled, in

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respect of a public holiday, to whichever of the following the Service decides:

- A paid day off on the day
- A paid day off within a month
- An extra day's annual leave
- An extra day's pay

8.3 Public Holidays Benefits: The following are the current public holiday benefits provided to staff:

8.3.1 Staff who work or are normally required to work on a day a public holiday falls:

A staff member who works a 5 over 7 roster (i.e. works any five days from Monday to Sunday) and is scheduled to work on the day a public holiday falls will receive payment for hours worked plus an extra day's pay. He/she will also receive an additional day's annual leave or an additional day's pay decided by LauraLynn and based on one-fifth of his/her standard contracted weekly hours.

Staff who work a 5 over 7 roster and whose scheduled day off is the day on which a public holiday falls will receive an additional day's leave/pay based on one-fifth of his/her standard working week.

8.3.2 Monday to Friday (5 over 5) staff who normally work on a day a public holiday falls but has the day off because it is a public holiday will receive his/her normal day's pay.

8.3.3 Monday to Friday (5 over 5) staff who are not normally required to work on a day a public holiday falls will receive one-fifth of his/her normal weekly pay. Such members of staff must have worked 40 hours in the five weeks ending on the day before the public holiday to qualify for this payment.

8.4 Entitlement to benefit from public holidays is maintained while on paid and unpaid maternity leave, paid and unpaid adoptive leave, parental leave, force majeure leave, carers' leave (for first 13 weeks only), A staff member on health and safety leave has no entitlement to a public holiday.

8.5 Public Holidays and Sick Leave:

8.5.1 Where a staff member is absent from work on medically certified sick leave on a day on which the public holiday falls and receives payment under the sick pay scheme, the day in question should be recorded as sick leave. The staff member will be entitled to a paid day off in lieu of the public holiday following their return to work.

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8.5.2 Payment in respect of a public holiday includes any regular allowance normally paid to a staff member but excludes payment for overtime.

8.6 Termination of Employment: Where an employment terminates during the week ending on the day before a public holiday and the staff member has worked during the four weeks preceding that week, the member of staff is entitled to be paid in respect of that holiday.

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