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AN ROINN OIDEACHAIS AGUS SCILEANNA | DEPARTMENT OF EDUCATION AND SKILLS

Circular 0011/2011

To: The Managerial Authorities of Recognised Primary, Secondary, Community, and Comprehensive Schools
and
The Chief Executive Officers of Vocational Education Committees

MATERNITY PROTECTION ENTITLEMENTS FOR REGISTERED TEACHERS
In Recognised Primary and Post Primary Schools

The Minister for Education and Skills directs you to implement the regulations and procedures regarding Maternity Protection Entitlements for eligible registered teachers employed in an approved teaching post funded by monies provided by the Oireachtas. These procedures apply to teachers who are in receipt of incremental salary under a permanent contract, contract of indefinite duration (CID), or fixed-term contract (e.g. temporary whole-time (TWT), regular part-time (RPT)) as defined in the Protection of Employees (Fixed-Term Work) Act 2003.

The regulations and procedures are to be implemented by each employer with immediate effect and all teachers must adhere to the terms outlined here.

This circular supersedes all previous circulars, memoranda, rules and regulations in relation to Maternity Protection Entitlements. Please ensure that copies of this circular are provided to all members of the Board of Management/Vocational Education Committee and its contents are brought to the attention of all teachers in your employment including those on leave of absence.

This Circular can be accessed on the Department's website under http://www.education.ie Home – Education Personnel – Post-Primary/Primary – Circulars and Information Booklets – Leave of Absence.

All enquiries regarding this circular should be e-mailed to teachersna@education.gov.ie

D. Tattan
Principal Officer
Teachers/SNA Terms and Conditions

February 2011

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February 2011

Definitions

For the purposes of this scheme the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

'Back to Back' contract – means a contract which follows immediately from the previous contract with no break in service: e.g. one contract ends on August 31st and a new contract will begin from September 1st of the same year.

Breastfeeding Teacher – means at any time a teacher whose date of confinement was not more than twenty-six weeks earlier, who is breastfeeding and who has so informed the teacher's employer.

DSP – means the Department of Social Protection.

Employer – means a Vocational Education Committee (VEC) for vocational schools/community colleges and a Board of Management/Manager in the case of primary, voluntary secondary, community and comprehensive schools. The Vocational Education Committee or Board of Management/Manager may delegate responsibility for matters set out in this circular to the Principal of the school.

Health and Safety Authority (HSA) – the national body in Ireland with responsibility for securing health and safety at work. It is a state-sponsored body, established under the Safety, Health and Welfare at Work Act 2005.

Maternity Benefit - means a payment made by the Department of Social Protection to women who are absent from work on maternity leave and who meet the qualifying criteria for the benefit.

MB10 form – means the DSP Maternity Benefit Form.

Occupational Health Service (OHS) – means the providers of independent medical advice on occupational health.

On Line Claims System (OLCS) – means the system for recording absences and claiming substitution which is currently operating in primary, voluntary secondary, community and comprehensive schools.

School Year – as defined by the Minister for Education and Skills from time to time currently beginning on 1st September and ending on 31st August in each year.

The Department – means the Department of Education and Skills.

1. Introduction

1.1 The leave types covered by the terms of this circular are:

(a) Maternity leave (Paragraph 2)

(b) Statutory additional unpaid maternity leave (Paragraph 4)

(c) Maternity leave in lieu (Paragraph 5)

(d) Non statutory additional unpaid maternity leave (Paragraph 6)

(e) Time off for ante-natal care/classes and post natal care (Paragraph 8)

(f) Maternity related Health and Safety leave (Paragraph 9)

(g) Father's leave (Paragraph 10)

(h) Statutory additional unpaid father's leave (Paragraph 10)

(i) Time off or reduced hours for breastfeeding (Paragraph 13)

(j) Pregnancy Related Sick Leave (Paragraph 14)

2. Maternity Leave

2.1. All pregnant teachers, who give birth to a live child, or who reach their 24th week of pregnancy, are entitled to 26 weeks maternity leave and 16 weeks additional unpaid maternity leave. Teachers should apply for maternity leave, on the prescribed form supplied in Appendix A to this circular, at least 6 weeks in advance of commencement of the leave.

2.2 Starting dates
Maternity leave will ordinarily begin on such day as the pregnant teacher selects, unless medically certified that the leave should commence on a particular date. However, the commencement date must be no earlier than 22 weeks and no less than 2 weeks before the end of the week of the baby's expected birth. For these purposes, Saturday is regarded as the end of a week. Teachers may also take cognisance of DSP rules whereby eligibility for maternity benefit does not normally commence until the 24th week of pregnancy and ends when maternity leave ceases. Further details on DSP regulations are available directly from that Department.

2.3 Early Birth: If the birth occurs in a week before a teacher has commenced her maternity leave then the maternity leave must commence immediately and the employer must be informed.

2.4 Late birth: If the birth occurs after the expected date and there are less than 4 weeks of maternity leave remaining, then the employer must be informed and the maternity leave will be extended to ensure that 4 weeks maternity leave are taken following the birth.

3. Pay Arrangements and Maternity Benefit

3.1 Continuation of salary during maternity leave is not a statutory entitlement and is contingent upon compliance with the agreed terms and conditions of this scheme.

3.2 PRSI Contributors at the modified rate (Class D)
Under DSP regulations, class D have no entitlement to Maternity Benefit. Therefore no deduction is applied to their salary and they remain on their ordinary rate of pay.

3.3 PRSI Contributors at the full rate (Class A)
Any Maternity Benefit payable by DSP will issue directly to the staff member in question. A deduction from salary equivalent to the maximum weekly rate of Maternity Benefit payable to the teacher will initially be applied by the Department.

3.4 Changes to automatic deduction
If the amount of Benefit payable to the staff member is less than the maximum, or if a person is not entitled to any Maternity Benefit, they should notify their payroll section immediately to ensure that the salary adjustments are correct. Changes to the automatic deduction can be made provided the teacher furnishes a copy of DSP's written notice of the actual Benefit rate applicable, if any, to the relevant payroll. Deductions, where appropriate, will be made fortnightly during the period of paid leave up to a maximum of 26 weeks for maternity leave. If the absences are recorded late any arrears due will have to be deducted from salary after the date of notification.

3.5 Taxation of Maternity Benefit
Maternity benefit payment is not liable for tax or levies. The arrangements above should ensure that taxation will be correctly applied to the salary of the individual.

3.6 MB10 completion
Please see Appendix B to this circular for information on completion of the Employer's section of the MB10 form and also OLCS completion details for non VEC schools.

4. Statutory Additional Unpaid Maternity Leave

4.1. Commencing on the day immediately following completion of maternity leave, a teacher has the option to take a maximum of 16 consecutive weeks statutory additional unpaid maternity leave. If a teacher intends to avail of this option then application for the leave shall be made, on the prescribed form supplied in Appendix A to this circular. To facilitate salary adjustment, teachers are asked to make such application at least 6 weeks prior to the commencement of such leave.

4.2 A teacher who avails of statutory additional unpaid maternity leave may be entitled to receive 'PRSI credits' – please complete the 'APPLICATION FOR MATERNITY LEAVE CREDITS' which is available in the DSP booklet SW11 and request your employer to complete the employer's section. The Form should then be returned to DSP at **Maternity Benefit Section, Department of Social Protection, Inner Relief Road, Ardarvan, Buncrana, Co Donegal**.

5. Maternity Leave in Lieu

5.1 Where maternity leave overlaps with planned school closures (Christmas, Easter, Mid term, Summer Break, public holidays and, where appropriate, religious holidays), a teacher shall be entitled to leave in lieu for all such days which overlap, subject to a maximum of 30 working days. School closures which do not form part of the scheduled school holidays (e.g. closures due to inclement weather, polling or other exceptional situations) do not count in accruing leave in lieu or taking leave in lieu.

5.2 Where statutory additional unpaid maternity leave, as defined in paragraph 4.1, overlaps with public holidays, a teacher shall be entitled to leave in lieu for all such public holidays.

5.3 Leave in lieu can only be taken on working days. In relation to teachers in post-primary schools, the days of the State Examinations are not to be regarded as school vacation days.

5.4 Where the maternity leave in lieu period overlaps with the first 12 days of the State Exams then the leave in lieu days begin during the Exams days.

- **Example**: A post-primary teacher ends her 26 weeks of maternity leave on 8th June 2010 inclusive. The State Exams commence from 9th June. The teacher has accrued a total of 28 days in lieu of missed closures. As the State Exams are not regarded as school closures the leave in lieu must also commence from 9th June and continue for 12 Exam days until 24th June inclusive. At the start of the summer break 16 days in lieu still remain from the total of 28. The remainder of the leave in lieu should be taken on the initial 16 working days at the beginning of the following school year.

6. Non Statutory Additional Unpaid Maternity Leave to the end of the school year

6.1 A teacher who, on completion of maternity leave, statutory additional unpaid maternity leave and leave in lieu, as appropriate, may apply for 'non-statutory additional unpaid maternity leave to the end of the school year'. For non VEC schools, this leave is to be entered on OLCS under the Family Leave sub category with the shorter title of 'Extended Unpaid Maternity Leave'. The longer title has been used for the purpose of greater clarity in this circular.

6.2 In the context of this leave the 'end of the school year' is taken to mean August 31st. For example, if all the other leave types referred to above were to expire by May 4th, and the teacher in question wished to remain out of school for the rest of the school year, rather than return for a short period, then the non-statutory additional unpaid leave must continue until August 31st inclusive.

6.3 This leave type is not a statutory entitlement and it is subject to obtaining written sanction from the Managerial Authority of the school. The Employer should be notified at least six weeks in advance of an intention to avail of this leave.

6.4 Teachers opting to extend their absence by taking 'non-statutory additional unpaid maternity leave to the end of the school year' are entitled to paid leave in lieu for any public holiday occurring during the initial 13 week period of that type of leave. As the end of the school year in this instance refers to 31st August any such days in lieu should be awarded commencing from 1st September. If there are no days in lieu to award following this leave type then duties should resume from September 1st.

7. Sequence in which leave must be taken

7.1 The sequencing arrangements for maternity entitlements are:

(a) Maternity leave (26 weeks)
(b) Any statutory additional unpaid maternity leave (maximum of 16 weeks)
(c) Leave in lieu in respect of 26 weeks maternity leave (maximum of 30 working days in lieu)
(d) Leave in lieu in respect of any public holidays occurring during statutory additional unpaid maternity leave.
(e) Non-Statutory additional unpaid maternity leave to end of school year (to Aug 31st)
(f) Leave in lieu in respect of any public holidays occurring during the initial 13 weeks of non-statutory additional unpaid maternity leave to the end of the school year

7.2 It is the Department's intention that OLCS for non VEC schools be amended to show the last day of maternity leave. When complete this system change will remove the need for the schools to do the calculation on paper, provided all school closures are properly keyed into OLCS. However, pending completion of this system enhancement please continue to use the manual calculation method and refer to Appendix C of this circular for guidelines.

7.3 When all associated leave types have been fully utilised, as appropriate to each individual, then the next working day becomes the date of resumption for the employee.

8. Time off for ante-natal care appointments, post natal care appointments and attendance at ante-natal classes.

8.1 Pregnant teachers are entitled to time off work, without loss of pay, to:

(a) attend medical appointments related to ante-natal care,

(b) attend one set of ante-natal classes in a working career, other than the last 3 classes in such a set, and

(c) attend medical appointments related to post-natal care within 14 weeks of the birth

8.2 If a pregnant teacher misses particular ante-natal classes in a set then it is permitted that during a subsequent pregnancy, or pregnancies, she may attend classes equivalent to those missed.

8.3 An expectant father is entitled to time off work, without loss of pay, to attend the last two ante-natal classes in a set attended by the pregnant mother.

8.4 Two weeks notice should be given for each absence referred to in this section.

9. Health and Safety of pregnant, post natal, and breastfeeding teachers

9.1 The Safety, Health, and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) place an obligation on the Employer, as soon as it is notified by the teacher that she is pregnant, to assess any specific risk in the workplace to that teacher and to ensure that the pregnant, post natal, or breastfeeding teacher is not exposed to any agents, processes or working conditions that will damage either the safety or health of the pregnant teacher and/or that of the developing

child. A copy of the 'Safety, Health and Welfare at work' regulations is available at http://www.irishstatutebook.ie/2007/en/si/0299.html.

9.2 The teacher should be informed of the results of the risk assessment and the measures to be taken. The detailed arrangement regarding the respective responsibilities of the employer and the employee in relation to health and safety leave are contained in Sections 17 – 20 of the Maternity Protection Act 1994.

9.3 Where a risk has been identified and it is not possible to remove it, protective and preventive measures should be taken to safeguard the health of any teacher to whom the provisions apply, such as:

(a) a temporary adjustment in the working environment of the teacher concerned so that exposure to the risk is avoided, or

(b) in the event that such adjustment is not possible, by moving the teacher to suitable alternative work which does not entail the risk, or

(c) in the event that such alternative work is not available, and having consulted with and received certification from the OHS, by granting the teacher health and safety leave. The teacher is entitled to receive, on request, a certificate stating the reasons why she has been granted leave. The certificate must also state the start date and expected end date of the leave. Maternity Related Health & Safety Leave can be granted in respect of more than one period, provided the conditions outlined in 9.1 and 9.2 above are fulfilled for each such period concerned.

9.4 A sample certificate of risk form is supplied in the schedule to the Maternity Protection (Health and Safety Leave Certification) Regulations 1995 (SI No. 19 of 1995). That sample form can be located online at http://www.irishstatutebook.ie/1995/en/si/0019.html.

9.5 Payment while on Health and Safety Leave

A teacher who makes PRSI contributions at the modified rate (Class D), and has no entitlement to Health and Safety benefit from the DSP, will be entitled to full pay while on health and safety leave. A teacher who makes PRSI contributions at the full rate (Class A) and who is entitled to Health and Safety Benefit from the DSP will be paid full salary by the Department of Education and Skills for the first 21 days and thereafter will be paid full salary less any benefit paid by DSP.

9.6 Health and Safety Leave will cease when:

(a) the teacher concerned commences maternity leave, or

(b) the teacher is no longer an employee to whom Part III of the Maternity Protection Act, 1994 applies (i.e. she notifies the Employer that she is not pregnant, has not given birth within the last fourteen weeks or is not within 26 weeks of the birth and breastfeeding, as defined in the Act); or

(c) the risk ceases,

9.7 Specific questions on health and safety issues should be addressed to the Health and Safety Authority (HSA), http://www.hsa.ie, which can provide advice, assistance and encouragement aimed at the prevention of work related accidents and the promotion of occupational safety, health and wellbeing. Locall: 1890 289 389, email: wcu@hsa.ie

10. Father's Leave: Entitlement of male teachers to leave in the event of the death of the mother while on maternity leave.

10.1 In the event of the death of the mother within 40 weeks of the birth of a living child, a male teacher who is the father of the child is entitled to leave as follows:

(a) if the mother dies before the end of the 24th week following the week of the birth of her child, the father is entitled to paid leave up to the 24th week. At the end of this period he is entitled to apply for a further 16 consecutive weeks additional unpaid leave commencing immediately

or

(b) if the mother dies after the 24th week following the week of the birth of her child, the father is entitled to unpaid leave up to the 40th week following the week of the birth of the child.

10.2 The leave in lieu entitlement and sequencing arrangement outlined in section 7 above will also apply to the father's leave:

(a) Father's Leave (the transfer to the father of any balance remaining of the mother's maternity leave entitlement up to the 24th week following the week of birth)
(b) Statutory additional unpaid father's leave (the transfer to the father of any balance remaining of the mother's additional unpaid leave up to the 40th week following the week of birth)
(c) Leave in lieu of Father's leave (as described above in 10.2(a), up to the agreed maximum of 30 working days)
(d) Leave in lieu of any Public Holidays missed during the additional unpaid father's leave (as described in 10.2(b) above).
(e) Non-statutory additional unpaid father's leave to end of school year (Aug 31st)
(f) Leave in lieu in respect of any public holidays occurring during the initial 13 weeks of non statutory additional unpaid father's leave

10.3 The leave should normally commence within 7 days of the event which has created the father's entitlement to the leave but the Employer should exercise discretion appropriate to the individual circumstances. To avail of his leave entitlement the father in this circumstance may simply apply in writing to his Employer. As soon as is reasonably practicable, the Employer should be provided with a copy of the death certificate of the mother and a copy of the birth certificate of the child.

11. Postponement of leave entitlements in the event of the hospitalisation of the child

11.1 In the event of the hospitalisation of the child, a request may be made to the Employer for postponement of

(a) maternity leave
(b) statutory additional unpaid maternity leave
(c) father's leave
(d) statutory additional unpaid father's leave

11.2 Maternity leave can only be postponed after at least 14 weeks of the leave has expired, 4 weeks of which must have been taken after the week of the child's birth. Postponement of the leave will require the absent teacher to resume duties in the school during the period of postponement.

11.3 An application for postponement must be made in writing to the Employer, accompanied by certification from the hospital in which the child is hospitalised. The Employer must notify the teacher in writing as soon as possible of its decision. If the leave is postponed, the Employer and the teacher must agree the date of return to work.

11.4 The Department/VEC, and the Department of Social Protection, must be notified immediately if the teacher is to return to work to facilitate pay adjustment, cease any benefit from the Department of Social Protection, and the finalisation of payment to the replacement teacher.

11.5 The postponed leave must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital. The maximum period for postponement of the leave is 6 months.

11.6 The teacher must provide the Employer with a letter or other appropriate document from the hospital, or the child's doctor, confirming the child's discharge date.

11.7 If the teacher becomes ill having returned to work and before s/he has taken the postponed leave, s/he will be considered to have started the postponed leave on the first day of absence due to illness unless the teacher notifies the Employer that s/he does not wish to begin the postponed leave. If this happens s/he will forfeit the postponed leave and the absence will be treated as sick leave. The normal procedures in relation to sick leave should then be followed, including the furnishing of a medical certificate where appropriate.

12. Termination of statutory additional unpaid maternity leave in the event of sickness of the mother, or statutory additional unpaid father's leave in the event of sickness of the father

12.1 If a teacher has made an application for statutory additional unpaid maternity leave, or statutory additional unpaid father's leave, and subsequently becomes ill, s/he is entitled to cancel that application in writing, not later than 4 weeks before such leave is due to commence. If the 4 week deadline has passed the entitlement to cancel the leave has been lost. However, a formal request can still be made to cancel such leave in favour of a certified sick leave absence.

12.2 Approval of such a request to terminate the leave is at the discretion of the Employer. If approved, the Employer and the teacher must agree the date for any such termination of the leave. The date agreed can not be earlier than the first day of certified illness and not later than when the terminated leave would otherwise have ended. The normal procedures in relation to sick leave will then apply. The teacher will not be entitled subsequently to take the additional unpaid maternity leave or any part of it not taken at the time of commencement of sick leave.

12.3 To facilitate necessary pay adjustment the Department/VEC must be notified immediately that the teacher is now on sick leave.

13. Provision for breastfeeding

13.1 Time off without loss of pay
Within a twenty six week period after the birth of the child, a teacher who has returned to work is entitled to one hour per day for the purpose of breastfeeding. The time off may be taken as follows:

(a) one break of 60 minutes, or

(b) two breaks of 30 minutes each, or

(c) three breaks of 20 minutes each

13.2 A teacher who qualifies for this provision must notify the Employer in writing of her intention to avail of such breaks. Notice should be given 4 weeks prior to the return to work following maternity related leave under the terms of this circular. A copy of the birth certificate of the child must be submitted with the application for breastfeeding breaks. It is a matter for the principal to make the necessary arrangements with the teacher to facilitate the taking of the breastfeeding breaks.

14. Pregnancy Related Sick Leave

14.1 A pregnant teacher may qualify for pregnancy related sick leave. A period of pregnancy-related sick leave will not be counted in determining a teacher's entitlement to paid sick leave. This amendment to the sick leave arrangements applies only to pregnancy related sick leave during pregnancy.

14.2 As illness occurring during pregnancy is not necessarily pregnancy-related, employers should seek the advice of the Occupational Health Service for teachers in this regard. If absence owing to illness during pregnancy is to be treated as 'pregnancy related' sick leave then the teacher should immediately notify the employer of this and the OHS must be consulted.

14.3 The employer, in making a referral to the Occupational Health Service, should follow the Standard Operating Procedures manual attached to the Occupational Health Service Guide for employers.

15. Fixed Term/Fixed Purpose Appointments

15.1 A teacher who is on a fixed term/fixed purpose contract of employment shall have full maternity leave entitlements during the term of the contract. The granting or taking of maternity leave entitlements should not affect a fixed term/fixed purpose appointment or the renewing of such an appointment.

15.2 Maternity related entitlements shall cease on expiry of the contract unless that contract is followed directly by a 'back to back' contract in an approved teaching post funded by monies provided by the Oireachtas. Where a fixed term/fixed purpose contract has ended and there is no 'back to back' contract then any remaining 'maternity leave in lieu' which has accrued during the term of the contract qualifies for a 'payment in lieu', up to the agreed maximum of 30 days in lieu.

16. General

16.1 Pay Adjustment

Any action which necessitates an adjustment to a teacher's pay should be notified to the Department/VEC immediately

16.2 Replacement Contracts

All absences covered by the terms of this circular, of duration of at least one day, are substitutable. Contracts awarded to cover absences outlined in this circular should make clear reference to the fact that there are circumstances where the replacement appointment may have to be terminated in the event of the absent teacher returning to duties earlier than initially expected. (e.g. an absent teacher postpones part of the maternity leave due to the hospitalisation of the newborn baby).

16.3 Status during Leave

A person absent on any of the leave types referred to in Paragraph 1.1 of this circular, with the exception of Paragraph 1.1(d), is deemed to have been in employment at that time. Paid absences are fully reckonable for all purposes including seniority, determination of panel rights etc. Statutory additional unpaid maternity leave is reckonable for all purposes, with the exception of superannuation. Absence on non statutory additional unpaid maternity leave to the end of the school year is not reckonable for any purpose.

16.4 Vacant Posts of Responsibility

A teacher absent on any of the leave types covered by the terms of this circular should be notified regarding vacant Posts of Responsibility which are to be filled in the school.

16.5 Correspondence Address

The employer will address all necessary correspondence to the teacher at the address last notified by the teacher and no fault shall lie with the employer in the event that the teacher does not receive such correspondence.

16.6 Employment during maternity leave

Teachers are not permitted to engage in any paid employment during the course of their maternity leave. Under DSP regulations Maternity Benefit may be terminated in the event that paid employment is taken up while on maternity leave. Any salary payment from this Department may have to be reviewed in the event of termination of Maternity Benefit arising from non compliance with the terms of the DSP scheme.

16.7 Resumption of Duties

The Employer should provide the absent employee with a written statement of their absence and expected date of resumption of duties. Four weeks before the employee is due to return to the workplace written notice should be given to the employer confirming the intention to resume duties from that date.

17. Audit/Verification

17.1 For audit and verification purposes, the Department reserves the right to request sight of documents pertaining to all leave types covered by the terms of this circular. All documentation relating to such leave (e.g. medical certification, risk assessments, any other supporting documentation) must be retained by the employer with the relevant personnel records.

17.2 Such records should be retained on file for the duration of the employment relationship and for at least 2 years after the employee has resigned, or retired, from the employment.

Appendix A

Application form for Maternity Leave Entitlements

This application must be fully completed and retained in the school for record and audit purposes. It can be used to apply for maternity and unpaid maternity leave. It should be completed and submitted at least 6 weeks before the leave is due to commence.

It is NOT to be submitted to Department of Education and Skills.

If the applicant pays Class A PRSI contributions a completed MB10 Form should be submitted to **Maternity Benefit Section, FREEPOST, Inner Relief Road, Ardarvan, Buncrana, Co Donegal**. This Form is available from DSP or online at www.welfare.ie

Name: _____ School: _____

Roll No. _____ Contact No: _____ PPSN: _____

Expected date of birth (EDB) _____/_____/_____

(Medical certificate must be enclosed confirming expected date of birth)

I wish to commence my maternity leave on _____/_____/_____

State number of days Statutory additional unpaid maternity leave that are to be taken (if any):

_____ (consecutive days and to include weekends)

Statutory Additional Unpaid Maternity leave from _____ to _____ (enter inclusive dates)

A teacher who, on completion of maternity leave, statutory additional unpaid maternity leave and leave in lieu, as appropriate, may apply for 'non-statutory unpaid maternity leave to the end of the school year'.

Non-Statutory Additional Unpaid Maternity leave to the end of the school year from _____

to 31st August _____

I wish to apply for the above leave in accordance with the terms of Circular 0011/2011

Signature of teacher: _____ ***Date:*** _____

Approval and Verification by Employer

I certify that I have approved the above leave in accordance with the terms of Circular 0011/2011 and I have retained on file the following documents for audit purposes:

1) All applications for maternity leave entitlements.

2) Certificate showing expected date of birth.

3) A copy of the completed MB10 form.

Signature: _____ Date: _____

(On behalf of Employer)

Appendix B

Procedures relating to OLCS (non VEC schools) and MB10

(i) Since 1st January 2009, teachers have had maternity benefit paid directly to them by the Department of Social Protection and an amount equivalent to any weekly benefit has been deducted from their salary. This was necessary to ensure that tax benefits are credited directly to the teacher.

(ii) To ensure timely payment of Maternity Benefit by DSP and related deduction from salary, the maternity absence should be entered on OLCS and the MB10 form submitted to the DSP 6 weeks prior to the start date.

(iii) The applicant is responsible for completion of the MB10 form and should ensure that the school completes the employer's portion before forwarding to the Department of Social Protection.

(iv) **The MB10 form should NOT be sent to the Department of Education and Skills**.

In completing the MB10 form please note that the start and end dates required relate solely to the 26 weeks of maternity leave.

The procedure for recording maternity leave on OLCS is as follows:

1) The teacher should complete the MB10 form,

2) Click Add Leave on the OLCS menu

3) Enter start and end date of the leave. Click Next

4) Select the teacher on leave, select the leave category and the sub category. The total number of days in the range should read 182 (26 weeks) in respect of maternity leave. Click Next

5) Enter the expected date of birth. Click on MB10 Certification

6) A list of the PRSI weeks for the current and previous year is displayed on OLCS to assist in the completion of the Employer's section of the MB10 form.

7) Enter the appropriate Employers Registered Number. The employer number for: Post Primary Teachers is 0081300S and Primary Teachers is 4000099H. You may use the schools telephone number and school stamp on the form.

8) Where the total number of PRSI weeks is 52 for the previous tax year and the teacher has been in continuous employment since then, the total number of weeks to be entered is 52. If the total number of weeks is less than 52 and the teacher has a contract to the start date of her maternity leave the total number of weeks is the sum of PRSI weeks in the previous tax year plus the PRSI weeks in the current tax year to the start date of her maternity leave.

9) Click Add Certificate.

10) Enter the Certificate Start and End date. This date must match the Start and End date of the Maternity leave. A Certificate number is generated which should be recorded on the back of the application and filed.

11) Click Save and Add. A confirmation message is displayed.

12) The Maternity leave in lieu/Unpaid Maternity leave absences cannot be entered until the next working day, as the maternity leave needs to be verified by the Department in order to commence deduction from salary

Appendix C (i)

Maternity leave Calculation Example worksheet for teacher absences

Example

Example based on Expected Date of Birth (EDB) of 23rd Jan 2009; leave commencing from 7th January 2009; 108 days statutory unpaid leave followed by non statutory unpaid leave to the end of the school year.. Standard closures are assumed and school re-opening on 26th Aug 2009 after the summer

(1) Expected date of Birth (EDB)	23rd January 2009
(2) Commencement Date (must be at least 2 weeks prior to the Saturday in the week of confinement)	7th January 2009 (In this example the latest permissible start date would be 10th Jan 2009)
(3) Maternity Leave end date (26 weeks from 7th January 2009)	7th July 2009
(4) Statutory Unpaid Maternity Leave (max of 16 weeks= 112 days)	In this example 108 days unpaid leave are to be availed of from 8th July 2009 to 23rd Oct 2009 inclusive
(5) No of days in Lieu which are due in respect of Maternity Leave based on school closures that overlap period between the dates entered at (2) & (3) above	Days in Lieu School Closures from 7th Jan 2009 to 7th July 2009 5 days 16th – 20th Feb. 1 day 17th March 10 days 6th – 17th April 1 day 4th May 1 day 1st June 12 days 19th June – 7th July **30 days (the maximum) in lieu of 26 week period**
(6) No of days in Lieu which are due in respect of Statutory Unpaid Maternity Leave (4 above)	Public Holidays missed between 8th July 2009 to 23rd October 2009 = 3rd August 2009 only **1 day in lieu of unpaid maternity leave**
(7) Total Days in lieu to award Add the number of days at (5) and (6) above	(a) 30 days @ (5) above plus (b) 1 day @ (6) above Total = 31 days in lieu
(8) How to apply total days in lieu (see 7 above) on completion of period of Statutory Unpaid Maternity Leave (4 above)	Statutory Unpaid Maternity Leave ended on 23rd October 2009. Count 31 working days commencing from 24th October (skipping over any day the school is closed). Allowing for mid-term break of 5 days, leave in lieu should continue until 14th Dec 2009 inclusive.
(9) Resumption Date following leave in lieu	Tuesday 15th December 2009
(10) Teachers have a further option of Non Statutory Unpaid Maternity leave to the end of the school year (August 31st)	In this example the teacher chooses to avail of this option Non Statutory Unpaid leave from 15th Dec 2009 to 31st Aug 2010
(11) Leave in lieu of public holidays missed during initial 13 weeks of non statutory unpaid leave	The initial 13 weeks of the non statutory leave spans 15th Dec 2009 to 15th Mar 2010 inclusive. 3 public holidays have been missed (25/12/09, 26/12/09 & 01/01/10)
(12) How to apply days in lieu at (11) above. Non statutory unpaid leave ended on Tues 31st Aug 2010.	There are therefore 3 days in lieu to award from 1st Sept to Friday 3rd Sept 2010 inclusive
(13) Final date for resumption of duties	Monday 6th Sept 2010

Appendix C (ii)

Maternity leave calculation Worksheet for teacher absences

Name:		PPS No.
(1) Expected date of birth (EDB)	Applicant must provide Doctor's Cert. to confirm this.	Date:
(2) Commencement*	Date maternity leave is to commence (must be at least 2 weeks prior to the Saturday in the week of confinement):	Date:
*In the event of an earlier than expected birth please refer to Section 2.3 of this Circular and where necessary re-calculate the entire maternity absence.		
(3) End date	Count 26 weeks from date of commencement (182 days)	Date:
(4)Statutory Unpaid Maternity (commences immediately after ordinary Maternity Leave and includes weekends)	The amount of unpaid leave applied for (up to maximum of 16 weeks = 112 days).	Dates From:_____ To:_____
(5) Maternity Leave in lieu	Total the number of planned school closures Mon-Fri between the dates at (2) and (3) NB. State Exam days are not vacation days	No. of days: (subject to a maximum of 30 days)
(6) Days in lieu in respect of Statutory Unpaid Maternity Leave	Total the number Public Holidays during the period specified at (4) above	No of days: (note Good Friday is not a Public Holiday)
(7) Add the number of days at (5) and (6) above.		Total days in lieu:
(8) How to apply Leave in lieu When awarding days in lieu if you come to a school closure, e.g. Weekends, Mid term, School Holidays, skip over those closures	Leave in lieu is awarded from the 1st working day that occurs after the Maternity leave end date, or the end date of the Statutory Unpaid Maternity Leave, (where such leave is taken)	Dates From:_____ To:_____
(9) Provisional resumption date date:	Determine the next working day which follows the end of the leave in lieu period.	Date: If leave outlined at (10) below is not availed of then this is the return work date
(10) Teachers have a further option of Non Statutory Unpaid Maternity leave to the end of the school year	The end of school year is to be understood as meaning the next August 31st following the date at (9) above	If non statutory unpaid leave applies then it runs the from the date at (9) above to Aug 31st _____ to 31st Aug _____
(11) Leave in lieu of public holidays missed during initial 13 weeks of non statutory unpaid leave	Check calendar for public holidays overlapping the dates at during the initial 13 weeks of the leave at (10) above	Enter Public Holidays missed during first 13 weeks of this leave:
(12) How to apply days in lieu at (11) above.	Total the number of public holidays missed, as established at (11) above	Enter dates for leave in lieu from 1st Sept _____ to _____
(13) Final date for resumption of duties	This will be the first working day following the period at (12) above	Final resumption Date: