
Section 2 - GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

2.19 Maternity Leave Guidelines

Staff Entitlements under the Maternity Protection Acts, 1994 -2004
(and Budget Amendment 2005 implemented 1st March 2006)

Explanatory Note - While all pregnant female staff are entitled to maternity leave, only certain categories of staff are entitled to receipt of maternity pay from Co. Donegal VEC. Details of those categories staff who qualify for Maternity Pay are available from the HR Division. Those who are not entitled to Maternity Pay may have an entitlement to Social Welfare Maternity Benefit (which is a Department of Social and Family Affairs payment), subject to having sufficient PRSI contributions. Should you require further information in this regard please contact the HR Division.

Entitlement to Maternity Leave

If you become pregnant while in the employment of Co. Donegal VEC, you are entitled to take maternity leave. The entitlement to a basic period of maternity leave from employment extends to all female employees (including casual workers), regardless of how long you have been working for the Committee or the number of hours worked per week.

The Application Process

You should first of all inform your Principal/Director/Co-Ordinator/Manager of your intent to avail of Maternity Leave (to allow for adequate time to recruit a replacement, where appropriate).

You should then contact Leave Administration, HR Division, who will forward the appropriate application form, the form can also be found in the Human Resources Section of the Committee's website, www.donegalvec.ie. This form should be fully completed and submitted together with a medical certificate confirming pregnancy and specifying the expected week of birth to Leave Administration at least four weeks before you intend to take leave.

Duration of Maternity Leave

You are entitled to twenty six weeks' Maternity Leave, at least two of which must be taken before the birth and four of which must be taken after the birth. You must give at least four weeks' written notice of your intention to return to work following Maternity Leave.

Additional Maternity Leave

An additional period of up to 16 weeks leave may be taken immediately following the maternity leave period. This is referred to as 'additional maternity leave'. No social welfare benefit is payable during this period.

In order to avail of this Additional Maternity Leave, you must notify Leave Administration, HR Division, in writing at least four weeks before the end of your Maternity Leave, indicating the dates of the Additional Maternity Leave.

You may notify Leave Administration, HR Division, of your intention to take Additional Maternity Leave at the same time as notifying it of your intention to take Maternity Leave.

You must give at least four weeks' written notice of your intention to return to work. Return to work is dependent on the four weeks' notice, which is mandatory.

During maternity leave and additional maternity leave an employee will be deemed to be in employment and her employment rights with the exception of remuneration are preserved as if she were present at work.

Postponement of Maternity Leave

Maternity leave and/or additional maternity leave may be postponed in the event of the hospitalisation of the child, subject to the agreement of Co. Donegal VEC. The maximum amount of time the leave can be postponed for is six months. Co. Donegal VEC has the right to refuse your application to postpone maternity leave.

Leave can only be postponed after 14 weeks maternity leave has been taken. 4 of which must be taken after the birth, (This provision does not apply to fathers who are on maternity leave). If you postpone maternity leave and return to work, then you may take your leave in one block, not later than 7 days after the child has been discharged from hospital. You will be required to provide the HR Division with a letter from the hospital confirming the child has been hospitalised and following the discharge a letter confirming the date of discharge.

If you postpone your maternity leave and return to employment, you need to advise the Department of Social and Family Affairs of this. You must notify them in writing that your child has been hospitalised and you have returned to employment. A letter from your family doctor (GP) / hospital is required to confirm to the Department that the child has been discharged from hospital and your maternity benefit should resume.

Your Personal Public Service (PPS) Number should be clearly identified on all documents you send to the Department.

You may only apply to postpone your maternity leave if the baby has been hospitalised not if the child is unwell.

Illness while on postponed maternity leave

If you have postponed your maternity leave and become ill when you return to work (before resuming your postponed leave), you may be considered to have started your resumed leave on the first day of your absence because of illness. Alternatively, you may choose to forfeit your right to resumed leave and have your leave treated as sick leave.

Entitlements of Fathers to Maternity Leave and Additional Maternity Leave in the case of the Death of the Mother

Should the mother of an employee's child die within 26 weeks of the birth, the employee will be entitled to the remainder of the mother's maternity leave and/or additional maternity leave. An employee availing of such leave must notify the HR Division in writing on the first day of the leave of his intention to take the leave and the duration. The employee must also notify the HR Division in writing of his intention to take additional maternity leave four weeks before he is expected to return to work.

The period of leave shall commence within 7 days of the mother's death. The father should supply to Human Resources Division, as soon as it is reasonably practicable, a copy of the death certificate in respect of the mother and of a birth certificate in respect of the child.

Entitlements of Fathers to take Paternity Leave

As and from 1 June 2000, male staff employed by Co. Donegal VEC, who meet the requirements outlined below, are entitled to 3 days paid leave on the birth of a child. Paternity Leave must be taken within four weeks of the birth of the child, except in exceptional circumstances.

Paternity Leave *with pay* is available to certain categories of staff - clarification is available from Human Resources Division.

Revoking of Additional Maternity Leave

If you revoke a decision to avail of Additional Maternity Leave you must notify *Leave Administration, HR Division*, in writing at least four weeks before your Maternity Leave is due to end.

Social Welfare Maternity Benefit while on Maternity Leave

If you are a pre 1995 permanent employee, on class D1 PRSI, you have no entitlement to Social Welfare Maternity Benefit.

Employees who are paying class A1 PRSI contributions and entitled to Maternity Pay must claim Social Welfare Maternity Benefit, as their salaries will be reduced by the maximum statutory benefit at source (unless another amount is specified). Maternity Benefit is paid for twenty six weeks.

The rate of payment is 80% of an employee's weekly earnings in the income tax year that governs the employee's claim, subject to maximum and minimum rates at a given time.

Employees who are paying class A1 PRSI contributions and not entitled to Maternity Pay will be paid directly by the Department of Social and Family Affairs.

Time off for ante- and post-natal medical checks

You are entitled to paid time off for medical appointments related to the pregnancy. You must give written notification to your Principal/Director/Co-Ordinator/Manager of the date and time of the appointments at least two weeks in advance; where possible the appointments should be at the beginning or at the end of the working day. If the appointment finishes during the working day, you must return to work.

Pregnant employees are entitled to paid time off work to attend one set of ante natal classes (other than the last three classes).

An expectant father is entitled on a once off basis to paid time off to attend the last two classes before the birth. An employee must give their Principal/Director/Co-Ordinator/Manager notice in writing of the dates and times of the classes, or class, at least two weeks before the first class or classes concerned.

In all cases, employees are in receipt of their full pay during time off for ante- or post-natal checks.

Birth of baby either before or after the expected date

If your baby is born earlier than four weeks before the due date and before you have commenced Maternity Leave, then the twenty six weeks' Maternity Leave will begin on the day of the birth.

Regardless of when your baby is born, you must take four weeks Maternity Leave after the birth. If your baby is born so late that you have fewer than four weeks remaining in your Maternity Leave, then you are nonetheless entitled and obliged to take four weeks' Maternity Leave after the birth. This extension of your Maternity Leave is called Extended Maternity Leave and is governed by the same criteria, as is Maternity Leave.

Availing of Extended Maternity Leave does not in any way affect your right to take Additional Maternity Leave as well.

Annual Leave and Maternity Leave

While on Maternity Leave, Additional Maternity Leave and Extended Maternity Leave, you accrue Annual Leave.

Payment for Public Holidays, which fall, during my Maternity Leave

During Maternity Leave, Additional and Extended Leave you retain your entitlement to Public Holidays. Public Holidays which fall during Maternity Leave are added on to the end of the Maternity Leave, as per the worked example on page 28.

Leave in Lieu - Special provision for teachers and special needs assistants employed in second level schools only

Where maternity leave overlaps with the school vacation, a teacher shall be entitled to leave in lieu for the vacation days which overlap subject to a maximum of 30 days in any calendar year. Please note that State Examination Period is not part of the school vacation.

The leave in lieu must follow on immediately from the end of the period of maternity leave (or additional maternity leave as appropriate) or from the end of the school vacation period concerned where the maternity leave expires within such vacation period.

The overlapped days for which a teacher will be entitled to leave in lieu are general school vacation days including public and church holidays, where applicable, and other school closures. Days on which schools are closed in exceptional circumstances, e.g. inclement weather or polling, do not count in calculating the number of days leave in lieu due.

Termination of Contract during Maternity Leave, Additional Leave and Extended Maternity Leave

The holders of Permanent Wholetime Contracts and Contracts of Indefinite Duration during any of the above periods will remain in the employment of Donegal VEC. However, in the case of fixed term employees employment with the Donegal VEC will last only until the expiry date of the contract of employment.

Under the Maternity Protection Acts, employees have a right to return to work in the same or similar job under the same employment contract. (This right does not extend to those employees whose fixed-term or specified-purpose contracts expired during any of the above periods.)

Entitlement to Health and Safety Leave during pregnancy and breastfeeding

Employees who are breastfeeding and within 26 weeks of the birth of their child may be entitled to limited time off/breaks for breastfeeding purposes. Details are available from Leave Administration, HR Division, Co. Donegal VEC, Ard O'Donnell, Letterkenny, Co Donegal.

Employment Rights

Absence while on Maternity Leave shall not be treated as part of any other leave from employment to which the employee concerned is entitled.

Co. Donegal VEC reserves the right to extend periods of training or probation to take account of absence due to Maternity Leave.

Maternity Leave Calculation in respect of Teachers and Special Needs Assistants employed in Second Level Schools and Colleges

Example

This example is based on the applicant's Estimated Date of Confinement of 28th February 2007, applicant choosing to commence her leave on the 12th February 2007 and choosing to take 16 weeks unpaid leave.

It should be noted that the latest date on which the applicant must commence maternity leave is the 17th February. The school is closed on the standard school closures and re-opening on the 28th August 2007 after the summer holidays.

(1) Expected date of Confinement (EDC)	28 th February 2007																
(2) Commencement Date	12 th February 2007																
(3) Maternity Leave end date	12 th August 2007 (26 weeks from 12 th February 2007)																
(4) No of days in Lieu Due	<table border="0"> <thead> <tr> <th><u>Days in Lieu</u></th><th><u>School Closures from</u> <u>12/2/07-15/7/07</u></th></tr> </thead> <tbody> <tr> <td>5 days</td><td>19th – 23rd Feb.</td></tr> <tr> <td>1 day</td><td>19th March</td></tr> <tr> <td>10 days</td><td>2nd – 13th April</td></tr> <tr> <td>1 day</td><td>7th May</td></tr> <tr> <td>2 days</td><td>4th & 5th June</td></tr> <tr> <td><u>35 days</u></td><td>22nd June – 12th August</td></tr> <tr> <td>54 days</td><td></td></tr> </tbody> </table> <p>Maximum allowable 30 days based on the school re-opening on the 28th August.</p>	<u>Days in Lieu</u>	<u>School Closures from</u> <u>12/2/07-15/7/07</u>	5 days	19 th – 23 rd Feb.	1 day	19 th March	10 days	2 nd – 13 th April	1 day	7 th May	2 days	4 th & 5 th June	<u>35 days</u>	22 nd June – 12 th August	54 days	
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(5) Leave in Lieu	28 th August – 8 th October 2007																
(6) Return to work Date	9 th October 2007																
(7) Unpaid Maternity Leave	<p>16 weeks (112 days) 09/10/07 – 28/01/08 inclusive, back on payroll 29/01/08</p> <p>Public Holidays 29/10/07 25/12/07 26/12/07 01/01/08 Awarded on 29/01/08, 30/01/08, 31/01/08 and 01/02/08</p> <p>Applicant due back on 04/02/08.</p>																