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1. Introduction and Overview

1.1 About the Staff Handbook

Foreword from the Director of Teagasc

“This document represents a complete guide to the policies, procedures, codes and standards which exist within the organisation and serve to ensure excellence, consistency and fairness for all staff in Teagasc. I am confident that the Handbook will be of enormous benefit to all concerned and that manager’s and staff alike will use the document in a constructive and positive manner.

I would like to acknowledge and commend the time, effort and perseverance of the staff members, union and management representatives who have been involved in the process of publishing each edition of the Teagasc Staff Handbook”

The Staff Handbook contains information staff will require in relation to:

- Teagasc Policies
- Statutory Entitlements (i.e. entitlements granted by law)
- Non-Statutory Entitlements (i.e. entitlements granted at the discretion of Teagasc)
- Staff Benefits (such as sick leave, pensions and training & development)
- Teagasc Regulations, Standards & Codes of Practice

Section 8 (5) of the Agriculture (Research, Training & Advice) Act 1988 states the following: “The terms and conditions relating to tenure of office which are granted by Teagasc in relation to a member of the staff of Teagasc who is transferred to its staff (from ACOT/AFT) shall not while in the service of Teagasc, be less favourable to him/her than those prevailing immediately before the establishment day (in ACOT/AFT), as may be appropriate, save in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned”

In the absence of any established arrangements as referred to above, the policies and procedures as outlined in the Staff Handbook will apply. The onus will be on the staff member concerned to prove their entitlement to any such arrangements. Disputes over the interpretation or entitlement to established arrangements may be referred to a third party adjudicator for consideration.

The Staff Handbook should be used in conjunction with the HR section of the Teagasc T-net site (our internal website) where staff will find application and submission forms relating to all the relevant policies and procedures as outlined in this document. An online version of the Handbook is also available on the T-net and staff will be notified where any changes have been made to the Handbook. Any such changes will be reflected on the online version. Managers and staff should refer to the HR Department for guidance in relation to the policies and procedures outlined in this document.
Method for Disagreements in relation to the Interpretation of the Document

The relevant HR Partners should be contacted in the first instance where there is a disagreement over the interpretation of the document as they are best served to advise in this regard. However, where an agreement cannot be reached internally, Teagasc may seek the assistance of a third party adjudicator who will make a recommendation in this regard. The adjudicator will be an external independent party and their recommendation will be final.

Methods for Future Amendments to the Handbook

The Teagasc T-net will be the definitive version of the Staff Handbook. Any changes proposed (either by management or unions or as a result of changing legislation) will be agreed between management and unions following discussion. The T-net version will be updated accordingly and staff will be notified.

Definitions used in the Handbook

The following provides an explanation for some of the management definitions that are used throughout the Staff Handbook. A full Glossary is available in the pages below:

- **Line Manager:** A line manager is the person to whom a staff member has a direct administrative reporting relationship. This person, for example, approves annual leave and increments etc. Depending on the area of work a line manager can be a Head of Directorate, Head of Centre, College Principal, Regional Manager, Head of Department, Administrative Officer or a Staff Officer.

- **Next Most Senior Manager:** The next most senior manager is the person that a staff members’ line manager reports to. So for example if a line manager is a Research Head of Department, they would report to the Head of Centre.

- **HR:** This refers to Human Resources.

- **Senior HR Representative:** This refers to a member of the HR Department who is at Administrative Grade 5 level or higher.

- **Established Staff Members:** This is a permanent member of staff (used in Department of Finance circulars).

- **Un-established Staff Members:** This is a temporary/contract member of staff (used in Department of Finance circulars).

- **Senior Management Group** – The Director and three heads of directorate.

- **Senior Manager** – a manager with line managers reporting to him/her

- **HR Partner** – The Senior Administration G6 HR staff member who partners with the Directorates on all operational and strategic matters related to staff.

- **Senior HR Representative** – include Head of HR, HR Partners, Staff Training Manager and HR Systems Manager

- **Hiring Manager** – The member of staff who is responsible for leading on the filling of a temporary/contract or permanent post. The hiring manager could be the line manager, but does not necessarily have to be. For example, a project leader may be the hiring manager, but the line manager of the new recruit is the head of department. The hiring manager is the lead person who liaises with HR and the external service provider on all matters related to the recruitment competition. HR will ensure that relevant management approvals are received for certain aspects of the competition.
Note in relation to Remote Managers

Where a line-manager is not physically based at the same location as the staff member(s) they manage, particular attention must be paid to identifying and addressing issues that arise with regard to line-manager/staff interaction. In addition to PMDS interaction, this must include regular communication by phone and email and face-to-face meetings at least twice yearly.

Where issues with remote line-managers are identified, they must be addressed informally in the first instance.

Circulars

Throughout the Handbook, circulars are often referred to e.g. Circular 21/2004. If staff wish to view all circulars these can be accessed on the Department of Finance website at: https://circulars.gov.ie/ A search can be done by title or by date. A list of all circulars referenced in the Staff Handbook can be viewed at Appendix 1
Glossary of Terms
The following terms and abbreviations are used throughout the handbook.

- **ACOT** – the national advisory and training body (ACOT) was set up in 1980 to provide training and advisory services for farmers. In 1988, Teagasc, was established as the national agency with overall responsibility for the provision of research, training and advisory services to the agriculture industry and it subsumed the training functions of the national advisory and training body (ACOT).
- **AFT** – An Foras Talúntais was responsible for agricultural research and was subsumed by Teagasc in 1988.
- **AVC’s** – Additional voluntary pension contributions. Reference pensions chapter for more information.
- **Business Plan** – Level 1 Business Plan is the high level plan of actions for Teagasc in a calendar year, the Level 2 Business Plan is the high level plan for each Directorate and the Level 3 Business Plan is the detailed plan of actions for each business unit.
- **DCP** – Designated Contact Person (outside the HR department) for dignity at work related concerns
- **DPER** – Department of Public Expenditure and Reform
- **EAP** – Employee Assistance Programme
- **FOI** – Freedom of Information (ref section 4.7)
- **GIA** - Grant in Aid which Teagasc receive from the state.
- **ICT** – Information Communications Technology
- **Increment** – An increase in pay from one scale point to the next scale point
- **Incremental Credit** – Credit awarded for previous civil or public service which may lead to progression up the relevant pay scale
- **Mission Statement** – The purpose or high level strategy of an organisation, or department.
- **Non Statutory Entitlements** – benefits or schemes granted to Teagasc staff which are at the discretion of Teagasc (not legally obliged to offer this benefit, eg: Marriage Leave)
- **PAP** – Positive Action Programme
- **PMDS** – Performance Management and Development System.
- **PRD** – pension relation deduction
- **PRSI** – Pay related social insurance.
- **Statutory Entitlements** – An entitlement for a benefit which is enforceable by law
- **T-Net** – Teagasc internal intranet and communications tool for staff
- **Unions** – Teagasc staff are represented by four unions. SIPTU, Fórsa, UNITE and UCATT.
- **Vision Statement** – An ambitious statement of what the organisation or department aspires to achieve.
1.2 Role of Teagasc

Teagasc was established under the Agriculture (Research, Training and Advice) Act 1988, which states that its principal functions shall be:

To provide, or procure the provision of educational, training and advisory services in agriculture, including such educational, training or advisory services in agriculture as may be specified by the Minister for the purpose of giving effect to any directive, regulation or other act adopted by an institution of the European Communities.

To obtain and make available to the agricultural industry the scientific and practical information in relation to agriculture required by it.

To undertake, promote, encourage, assist, co-ordinate, facilitate and review agricultural research and development (including research and development in relation to food processing and the food processing industry).

This mandate gives Teagasc responsibility for meeting the knowledge and technology needs of the entire food chain and the authority to integrate research, advice and education services to deliver the innovation support necessary to add value to Ireland’s agri-food sector.

The Teagasc governing body is an 11 member Authority appointed by the Minister for Agriculture, Food and the Marine. It includes representatives from the farming organisations, the food industry, the universities, the Department of Agriculture Food and the Marine and Teagasc staff.

Teagasc is a client-based organisation and operates in partnership with all sectors of the agriculture and food industry and with rural development agencies. It has developed close alliances with research, advisory and training agencies throughout the world and is continuously seeking to expand its international contacts.

Around 75% of Teagasc’s yearly budget comes from the Irish exchequer and EU funding with the balance generated from earned income. Some 40% of the budget is devoted to research with the remainder split equally between advisory and training services. Teagasc has over 1,200 staff (permanent and contract) at over 50 locations throughout Ireland. More information in relation to the structure of the organisation can be seen on the T-net.
1.3 Vision & Mission Statement

Mission Statement

“Its mission is to support science-based innovation in the agri-food sector and the broader bioeconomy that will underpin profitability, competitiveness and sustainability.”

Vision

Teagasc wishes to be nationally and internationally recognised as the knowledge provider of choice for Ireland’s agri-food sector.
1.4 HR Vision & Operating Principles

HR Vision

Teagasc is an employer of choice who seeks to attract and retain highly qualified, talented and purpose driven people to achieve their greatest potential and to deliver exceptional value for Teagasc’s stakeholders. Staff are afforded interesting and challenging assignments together with considerable developmental opportunities to grow their capabilities and enhance their career ambitions in line with organisational priorities. The excellence of our people is recognised as the most important factor in delivering outcomes that are highly valued by the organisation, clients and stakeholders and it is a central theme reflected in our Teagasc People Strategy (2018-2022).

Operating Principles

1. Best People: We recruit people with passion and capability to deliver great outcomes for staff, clients and stakeholders.
2. Build Capability: We encourage and assist staff to be the best they can be.
3. Teams: We empower people and build high-performing teams.
4. Sustainable Workloads: Sustainable workloads require prioritisation.
5. Innovation: Staff have the good ideas and make innovative things happen.
6. Dignity & Respect: Respect for colleagues is non-negotiable.
7. Diversity: Diversity, equality and inclusiveness enhance our core purpose.
8. Health & Wellbeing: Positivity and wellbeing will enable staff to flourish and to have purpose.
9. Responsible Action: Doing things in the right way is essential.
10. Quality Customer Service: We listen to our customers and continually improve our services.

Our People Strategy Vision is to: ‘attract, empower and grow purpose-driven staff with passion and capability to pursue excellence, to embrace technology, innovation and change, and to work collaboratively in teams to develop new knowledge and advance science-based innovation in the agri-food sector and the wider bioeconomy’.
2. Information for New Staff

2.1 Salary Scales and Increments

Staff should be aware that the Haddington Road Agreement (effective from the 1st July 2013) initiated a number of changes to increments and salary scales. Details of these changes can be found on page 7 of the written agreement at [http://www.per.gov.ie/haddington-road-agreement/](http://www.per.gov.ie/haddington-road-agreement/). Staff can also contact the HR Department directly to determine the impact, if any, on their individual circumstances.

Most staff in Teagasc are paid in accordance with an incremental salary scale. Each staff category holds its own set of salary scales e.g. in the research category there are four salary scales: Research Officer, Senior Research Officer, Principal Research Officer and Senior Principal Research Officer. Every scale has a minimum and a maximum point and most scales have two long serving increments.

Most scales have a minimum and a maximum point along with two long serving increments. The number of points on a salary scale varies between categories and grades. If staff wish to view a salary scale they can be accessed on the Teagasc T-Net. The scales can be found under the Human Resources Section.

Incremental dates will be determined by either start dates, dates of promotion or the increment date as changed by the Haddington Road Agreement. On this date every year eligible staff will progress one increment up the scale, subject to satisfactory performance, until they reach the maximum point. If the scale has two long serving increments (LSI) they will progress to the first LSI (LSI1) after 3 years on the maximum point on the scale, and to the second LSI (LSI2) after 3 years on the first LSI. The number of points on a salary scale varies between categories and grades. If staff wish to view a salary scale they can be accessed on the Teagasc T-Net. The scales can be found under the Human Resources Section. As reiterated in the Haddington Road Agreement, staff will only receive increments where performance has been satisfactory. If performance is unsatisfactory staff may be placed in a Positive Action Programme or may be subject to Disciplinary procedures. In such circumstances, increments may be withheld.
2.2 Incremental Credit

In general, new staff will be offered the minimum of the pay scale as their starting pay. However, where an individual is an existing public servant, and they have served in an analogous grade and pay scale, they may be assimilated on their current pay point.

Any queries in relation to starting pay should be directed to the HR department where cases can be looked at on an individual basis. Where an individual has served in an analogous grade and pay scale, HR will require documentation to verify this.

2.3 Salary Deductions

Teagasc can arrange for certain deductions to be made from a staff members’ salary to a third party. Staff should be aware that Teagasc merely provides the deduction service and has no relationship with any third party. Arrangements to join any scheme are strictly between the staff member and the third party. If a staff member wishes to stop deductions at any stage they must contact the third party and the Payroll Department to notify them. Currently deductions can be made in order to pay into the schemes outlined below.

**VHI**
Staff can avail of a 10% discount through the Teagasc Group Scheme. If staff are interested in joining VHI, they should contact them directly to determine a suitable plan. Staff will need to quote the Teagasc Group Scheme number which is 539.

- VHI Healthcare – contact VHI on 1850 44 44 44

**Axa Insurance**
If a staff member gets their car insured with AXA, they can avail of the easy pay scheme whereby insurance can be paid over a period of ten months interest free. No deposit is necessary. In addition, if a staff member already has car insurance with AXA they can avail of a 15% discount on a new home insurance policy.

- Axa Insurance – contact easypay on 1890 600 600

**Union Membership**
Teagasc can facilitate the deduction of union subscriptions directly from a staff members’ salary. Application forms to provide this deduction at source are available from all unions recognised by Teagasc (SIPTU, Unite, Fórsa, TEEU & UCATT). Staff members should contact the union directly to obtain a form.

**Income Continuance**
An income continuance scheme is a form of insurance to protect a staff members’ salary should they find themselves on prolonged sick leave or forced to take early retirement due to ill-health. If this happens, income continuance may pay up to 75% of salary. There are two Income Continuance Group Schemes available to Teagasc staff - deduction is made directly from salary and membership is voluntary.
Keane Pension and Investment Consultants Ltd – Contact Mark Keane on 01 8280080, Email: mark@keaneinvestments.com
Cornmarket Group Financial Services Ltd – Contact Tara Cassidy on 01 4084166 Email: tara.cassidy@cornmarket.ie

Group Life Scheme
A voluntary Group Life Scheme was set up in 2010 for Teagasc staff. The cost of Life Cover under the Group Plan is 0.45% of Salary (rate effective from 31/01/2016 to 30/01/2019), which is a preferential group rate. Teagasc facilitates staff deductions directly from salary and full Income Tax and PRSI relief is applied at source under the ‘net pay procedure’. The Plan provides its’ members with an additional Death Benefit of 2 times Salary, in the unfortunate event of death in service. This means that Teagasc members’ Death Benefit can be increased to between 3 and 3.5 times Salary. The Scheme is underwritten by Friends First Life Assurance, but all queries should be addressed to the Scheme administrators:

Keane Pension and Investment Consultants Ltd – Contact Mark Keane on 01 8280080, Email: mark@keaneinvestments.com

AVC (Additional Voluntary Contribution) Schemes
The purpose of Additional Voluntary Contribution Schemes is to provide a means of increasing pension benefits, on retirement. Please see 3.2 Additional Pension Information for more details.
There are two companies which provide this service through Teagasc – membership is voluntary.

Cornmarket Financial Services Ltd (formerly Gregan McGuinness Life and Pensions Ltd) - Contact 01 4084162
Irish Pensions & Finance – Contact 01 8298500

Notional Service Scheme
The Purchase of Notional Service Scheme allows Civil and Public Sector employees to purchase service either by lump sum or by periodic agreement, and by reference to retirement at Age 60 or at Age 65. Contributions are paid through salary and tax relief is applicable, within Revenue limits. For more information, please contact the Pensions Manager.

2.4 Recovery of Overpayments

1. Introduction
From time to time overpayments of salary, allowances, sick leave or other payments to staff may occur for any number of reasons. In such instances, the overpayment will be recouped at the earliest opportunity and until such time as the amount is fully recouped. This is in line with DPER Circular 07/2018. Where a staff member becomes aware that they have been overpaid, they must immediately notify a member of payroll and the HR department. Confidential support and assistance is available for all staff members by contacting the Vhi Employee Assistance Programme. Any payment plans already agreed prior to the 5th March 2015 will not be affected by this policy.
2. Notification of Overpayment
Upon discovery of any overpayment, the individual will be notified as soon as possible. The following details will be provided: the value of the overpayment, the reason for the overpayment, the relevant period to which it relates and the proposed repayment schedule. The staff member should confirm or appeal (see section 3.4 below) the proposed recoupment plan within 21 calendar days of receipt of the notification. Where the staff member does not respond within 21 calendar days, a second letter will issue to the individual confirming the recoupment plan and its commencement date. Where no response is received, the recoupment plan will commence as notified. The commencement date of the recoupment plan will be no less than 14 calendar days from the date of issue of the second letter.

3. Method of Recoupment
Under normal circumstances, monies owed should be returned as soon as possible with a minimum payment of 8% of gross salary per pay period or within a 12 month timeframe, whichever is the lesser. In the case of a staff member who takes unplanned unpaid leave or unpaid leave at short notice, the overpayment will be recouped in full at the first available pay date. The subsequent arrangements will apply in respect of the following circumstances:

3.1 Leaving employment – where a staff member is due to leave employment (via retirement, contract expiration, career break or unpaid leave), a higher rate of deduction will be applied in order to recoup the overpayment in advance of departure. In the case of retirement, any outstanding balance will be deducted from any retirement lump sum/other monies due. In all other cases, any outstanding balance must be repaid following departure, the structure of which must be agreed prior to departure. Where the overpayment is not recovered as agreed, legal proceedings may be initiated by Teagasc for the recovery of the overpayment together with the consequential cost of proceedings.

3.2 Moving to another civil service organisation – where a staff member transfers to another civil service organisation, the overpayment will transfer with them and must be repaid in accordance with this policy. Where the overpayment cannot be recovered through deductions from salary/other monies, legal proceedings may be initiated by the Public Service Bodies for the recovery of the overpayment together with the consequential cost of proceedings.

3.3 Death in service – where a member of staff dies in service, any overpayment will be deducted in a single lump sum from the gratuity.

3.4 Exceptional & Hardship arrangements – where a staff member considers that they cannot make a repayment of 8% or more of gross salary, they may apply to the Head of HR to have their case reviewed, outlining the reasons why. This must be done within 21 calendar days of notification of the overpayment. Where the Head of HR is satisfied that exceptional/hardship arrangements apply, repayment may be made at a rate that is lower than 8% of gross salary and the period of 12 months may be extended where the amount of overpayment is significant. Where a staff member is not satisfied with the decision relating to their application, they may appeal to the Head of Directorate within 10 calendar days of notification of the decision. This decision will be final and no further appeals will be heard.

4. Repayment Options
In addition to the arrangements outlined in section 3 above; current staff, pensioners and former staff may also be allowed the following repayment options:
1. Repayment of a single lump sum
2. Part payment by a single lump sum and remainder by deduction from salary over an agreed period
3. Salary deduction (gross amount prior to calculation of statutory deductions)
4. Offset against arrears due (gross amount prior to calculation of statutory deductions)
5. Surrender of non-statutory annual leave in respect of an overpayment

There will be an option to review the amount that is being recouped where there is a material change in salary.

5. Current Year Overpayment Recoupment
If the overpayment is being recouped during the tax year in which the overpayment occurred, the amount of overpayment to be recouped is the gross amount of the overpayment. If the overpayment is recouped by means of salary/pension deductions, the gross amount of the overpayment is deducted from gross salary. Using this method, any tax rebate owing to the staff member will be generated through the payroll. Pension, Pension Related Deduction (PRD), Universal Social Charge and PRSI contributions are also adjusted accordingly, where appropriate.

6. Out-of-Year Overpayment Recoupment
If the overpayment is being recouped in a tax year(s) following the tax year in which the overpayment occurred (out-of-year recoupment), the amount of the overpayment recouped is the gross amount of the overpayment less the current year pension and PRD contributions paid on that amount, i.e. current year pension and PRD contributions will be reduced. If the overpayment is recouped by means of salary/pension deductions, the gross amount of the overpayment, less the current year pension and PRD contributions if applicable, is deducted from net salary. In the case of overpayments recouped out-of-year, upon application by the payee, payroll will send statement(s) to the staff member of (a) the value of the recoupment and (b) the original overpayment. In general, this statement can only be issued when the overpayment has been fully recouped.

7. Under Payment Recoupment
Where an underpayment has been identified, HR will inform the staff member and within 1 month of same (or earlier where possible) the staff member will receive details of the gross amount of the underpayment and within 1 month of the underpayment details being agreed by the staff member the payment will be processed through payroll.
2.5 Induction Policy

Introduction
All staff members appointed to new posts will receive appropriate induction guidance and training. A new staff member appointed to Teagasc will be given an effective introduction to the requirements of the post, the work of the business unit, the organisation and functions of Teagasc, its relationship with other bodies and how it fits into the public service structure. An existing staff member moving from one business unit to another, on transfer or on promotion, will be given an induction programme appropriate to their new position and taking account of their existing experience and knowledge.

Commitment
Teagasc is committed to providing a systematic and effective induction for all new staff members joining the organisation and for existing staff members who are transferred/promoted internally within the organisation.

Objectives
Teagasc aims to provide a consistent and comprehensive process of induction that will:

- Welcome new staff to the organisation,
- Provide new staff with information to help them “settle in” and become familiar with the physical and social environment of the new workplace,
- Provide new staff with an overview of the mission, goals, functions and work of Teagasc,
- Clarify the duties and responsibilities of the new job,
- Brief staff on conditions of employment and necessary policy/procedure issues in addition to legislative requirements,
- Ensure new staff are given an overview of the use of technology within the organisation, and
- Ensure that existing staff; promoted or transferred to a new post, are provided with appropriate briefing/training to support them in discharging their new responsibilities.

Requirements / Entitlements
Induction is an important first step in building a two-way relationship between the organisation and a new staff member. It is a process that requires time and commitment from the new staff member, the line manager, work colleagues, the relevant Teagasc Directorate, the HR Department and the Staff Training & Development Unit, in order to establish and maintain good working relationships. All new staff are required to participate in the induction process and to become familiar with appropriate material about Teagasc and about their new jobs.

Responsibilities
The line manager is primarily responsible for ensuring that adequate induction is provided for a new staff member. In carrying out this responsibility the line manager will ensure that the staff member receives adequate information about the organisation, the business unit and the job. If appropriate, the line manager will
appoint a mentor\(^1\) to assist and support the induction process. The line manager is responsible for signing and returning the Induction Process Checklist to the relevant HR Officer, which is a declaration that adequate guidance and support has been provided to the new staff member in the course of the induction programme.

The new staff member has a responsibility to commit to, and fully engage with, the induction process, and has joint responsibility with the line manager for signing the Induction Process Checklist and declaring that adequate guidance and support has been received in the induction process.

The HR Partners will work closely with the Staff Training & Development Unit to ensure that induction occurs routinely and uniformly throughout the organisation, and will provide assistance where any difficulties arise. Training will be provided for line managers where necessary.

All existing staff in the organisation should support the induction of new/transferred/promoted staff members with whom they come into contact and be helpful by providing information/assistance especially in the early stages of the appointment.

**Timescale**

Induction is recognised by Teagasc as being an on-going process of introduction to and integration into the organisation over a period of time, rather than a once off event. A new staff member is not “inducted” on the first morning or even the first week. The induction process for new staff members will begin on the first day of the new employment and will be ongoing over the early days and weeks of the appointment.

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\(^1\) Mentoring in this situation requires someone to take responsibility for working along with a new staff member and answering questions as they arise, rather than trying to overload the new staff member.
2.6 Induction Process

Key Induction Elements
The standard Teagasc Induction Process will consist of the following key elements:

- A welcome and introduction to the organisation
- An introduction to the local business unit and to the job
- Clarification of the Probationary Process

Introduction to the Organisation
Each new staff member will have an initial induction session with their line manager on the first day of employment. This will provide an overview of the organisation, its relationship with other bodies and the environment in which it operates. The Teagasc Statement of Strategy will be made available to the new staff member and they will be briefed on the mission statement and strategic goals of the organisation. The staff member will be directed to the new staff member section on the HR page of the T-Net which will include a link to the Staff Handbook. They will be briefed on Teagasc work patterns, leave provisions, good conduct guidelines and all relevant policies and procedures (the line manager may wish to delegate more detailed briefing on some aspects to an appropriate local staff member e.g. Administration Officer, Safety Officer, etc). Staff related policies and procedures are outlined in the Staff Handbook. Management also publish policies from time to time and these are accessible on the tnet.

This element of the induction must aim to provide new staff members with an understanding and awareness of:

- Teagasc’s mission and strategic goals
- Teagasc’s principal functions
- Organisational structures
- Key policies and procedures
- Health & safety issues

In addition to the local introduction to the organisation, a National Induction Day will be staged once/twice a year by the Staff Training & Development Unit with the aim of generating a sense of belonging to a focussed and dynamic national organisation. The new staff member will be invited by the Staff Training and Development Unit to the next scheduled date.

Introduction to the Business Unit and the Job
The line manager is responsible for introducing the new/ transferred/ promoted staff member to colleagues, for explaining procedures, for introducing the work of the unit, for clarifying the duties and responsibilities of the job, and for generally helping the new staff member to settle into the new work environment.

As an initial step, the new staff member will be provided with a detailed job description and the Business Plan for the management unit. The line manager must clarify the duties, responsibilities and expectations of the new staff member in line with the job description and within the context of the business plan. The responsibility of familiarisation with the business unit and the job may be exercised in various ways, including:

- Written, pre-prepared information
- One-to-one sessions
- Delegation of some aspects of the induction to other colleagues
- Formal appointment of a mentor

The introduction to the business unit and the job will begin on day one and continue over the early days and weeks of the appointment.

**Clarification of Probationary Process**
As outlined in the [Teagasc Probation Guidelines](#), all new staff members are to be informed of the requirement to complete an 11-month probationary period. The format and details of this period are to be agreed with the line manager on day two of the induction into the organisation.

At this meeting, the new staff member shall be informed of the length of the probation period and the procedure for this probation period (see 'Probation Guidelines' in the following section). It is the responsibility of the line manager to ensure that the new staff member is aware, as a result of this meeting, of the standards expected of them, the stages of the probation programme, the consequences of a non-satisfactory probation period and the results of a successful one.

**Planned & Structured Programme**
The integration of a new/transferred/promoted staff member to the organisation is critically affected by the quality of the induction process. A quality induction process will be one that is carefully planned and structured. It is important that the provision of information is paced to avoid an overload and to facilitate its assimilation. Reading and discussion should be alternated to avoid monotony and ensure a proper understanding of the information.

Research shows that a new employee’s first three days on the job are crucial. Thus, a planned and structured programme of induction in the local management unit should be developed for the first three days of a new staff member’s appointment. Further guidance in relation to this can be sought from the HR Department.

**Induction Checklist**
The new/transferred/promoted staff member and the line manager will be jointly responsible for completing an Induction Checklist. The Checklist outlines the information and guidance to be given in the Local Induction Programme, in a suggested order of priority. The staff member/line manager should initial each relevant section and sub-section when it has been covered. When the checklist has been completed it must be signed by the new/transferred/promoted staff member and the line manager, or person responsible for the induction, and sent to the relevant HR Officer. An induction checklist can be obtained on the HR section of the T-net.
Continuing Work Based Support & Training
A new staff member will have varying degrees of experience and will be at different stages in their career; however every new staff member will require support in order to maximise their potential. Line managers are responsible for ensuring that staff members are provided with on-going support during the induction period. This support should include joint identification of training and development needs and planned action to meet those needs.

The Teagasc Performance Management and Development System (PMDS) is initiated by a line manager and new staff member at the end of the probation cycle. The Staff Training & Development Unit provides PMDS Induction training for new staff members as part of the National Induction Day. Once PMDS has been initiated, training/development needs are processed on an ongoing basis via PMDS and the annual Staff Training & Development programming process within a Directorate. Training and Development requirements will be identified for the next call for applications in December of each year and training applications should come through the PMDS process.

2.7 Probation Policy

Introduction
These guidelines are intended to support the organisations’ probation process. They are designed to provide a clear and simple process to assist managers in managing new staff members and to ensure equality of opportunity for all staff members. A formal probation procedure helps to ensure that:

- The performance, conduct, attendance, timekeeping and training/support needs of all new staff members can be assessed fairly, consistently and equally across the organisation
- Line managers provide new staff members with the appropriate support, guidance, training, encouragement and feedback
- Both line managers and new staff members understand the purpose of the probation

Overview
The length of the probation period shall be 11 months for all new staff members or otherwise as detailed in the individual contract of employment. This shall consist of four stages:

1. Initial drafting of probationary programme
To be discussed and agreed with new staff member during their induction into the organisation. At this stage, the main responsibilities and objectives of the job will be agreed. Conduct and performance throughout probation will be measured against these responsibilities and objectives, in addition to the general performance indicators which apply to all staff.

2. First review after 3 months
Staff member’s conduct and performance over the first 3 months is assessed. Where conduct and performance has been satisfactory, this will be reflected in the review report. Where conduct and performance has been unsatisfactory, the staff member will be made aware of the standard required and how to achieve it. All necessary assistance will be provided.
3. Second review after 7 months
Staff member’s conduct and performance over the first 7 months is assessed. Where conduct and performance has continued to be satisfactory, this will be reflected in the review. If areas for improvement were outlined at the 3 month review and such improvement has not been satisfactorily achieved, the staff member will be told whether an extension or termination of employment is under consideration. In such cases, the areas requiring improvement and the specific level of improvement required would be formally set out in writing for the staff member. They would also be advised of the supports/assistance to be provided by the line manager and/or the organisation.

4. Final review after 11 months
At the end of the 11 month probationary period, a formal probationary review will take place between the line manager and the new staff member. If conduct and performance has been satisfactory throughout the probationary period, the staff member will be confirmed in their appointment.

If performance or conduct does not meet expectations, the initial 11 month probation period may be extended for a further period of up to 12 months or alternatively, the employment may be terminated. In each case, the reasons for the decision will be outlined in writing. A HR representative and a staff representative may be present at this stage.

Existing members of staff who are promoted, re-graded or transferred within the organisation will not be subject to a probation period unless their initial probation period is not yet completed. In this case, the probation period will be carried over to the new position and the appointment will not be confirmed until the original period has been successfully completed. (Note it is not anticipated that transfer requests will be facilitated during a probationary period).

The length of the probation period shall be outlined in the staff member’s contract of employment.

Conducting Probation

Preparation Stage
(a) The line manager shall firstly, clarify the duties and responsibilities of the new staff member, in line with the job description. This should include:

- Policies and procedures that must be followed, eg: absence reporting
- Key aspects of the role, structure of the area of work and how it fits within the organisation structure
- Skills/competences required/that must be acquired
- Standard of work expected (quality and quantity)
- Deadlines to be met
- Behaviour/conduct (including timekeeping and attendance)
- Working relationships
- Working environment
- Training needs
- Any other issues specific to the role/grade
The main responsibilities and objectives will be agreed with the staff member. The line manager should explain how these responsibilities and objectives will be monitored and measured throughout the probationary period (i.e. at each review). In addition, the line manager should make reference to the fact that general performance indicators will be measured (e.g. attendance and punctuality).

(c) The line manager should identify any training requirements and ensure that relevant training is provided (this may be attendance at internal/external courses, identifying a mentor or providing 'on the job' training).

(d) The line manager and staff member should agree and set dates for each probation review.

**Agreeing Responsibilities and Objectives**

The responsibilities and objectives will be statements of the main tasks and objectives that are necessary to perform successfully in the role. Responsibilities should be those which are vital for successful performance in the job on an ongoing basis. Objectives should be more definitive and should be SMART (specific, measurable, achievable, realistic and time bound).

- Objectives should be specific to the activities of the new staff member, as detailed in their job description, and should be clearly defined to avoid misinterpretation.
- Objectives should be clear and measurable. Line managers should therefore indicate how the objectives will be measured and what indicators they will use to check whether objectives have been met.
- Objectives set during the probation period should be realistic. Some work may extend beyond the probationary period and in this case, it will be necessary to break the tasks/projects down to set realistic objectives.
- The line manager shall give the staff member the appropriate support/guidance (including training) necessary to help them achieve the set objectives.
- The objectives will be linked to a timescale. The line manager shall arrange review meetings at appropriate points throughout the probation period (i.e. after 3/7/11 months) to reflect the timescale of the objectives set.

**Conducting the Review**

The probation procedure involves a number of probation reviews to ensure regular two-way communication between the line manager and the staff member, allowing timely action to be taken in the early stages of the appointment.

(a) There shall be a minimum of 3 formal probation reviews during the probation period, one 3 months into the appointment, one after 7 months and the final review taking place after 11 months of the probationary period. Formal reviews should be set up in advance so that both parties have time to prepare for them and to ensure that meetings remain free of interruptions.

(b) Line managers are advised to hold frequent informal meetings with the staff member in order to ensure a good working relationship and feedback on the staff member's progress. The frequency of these meetings should be determined locally according to the needs of the staff member, area, etc. Any difficulties should be addressed as early as possible and depending on the seriousness of the issue, reported to the relevant HR Partner.
(c) As part of the review, line managers should:

- praise good performance/achievements, provide constructive feedback on progress
- review timekeeping/attendance, including sickness absence
- discuss the staff member’s performance to-date against the objectives set at induction
- review/agree training/development needs, if necessary
- identify aspects of performance/conduct that need improving
- explore problems the staff member has encountered in their role
- provide guidance/support as appropriate
- introduce/agree any changes to the objectives set
- set next review meeting

It is the line manager’s responsibility to ensure that reviews are conducted within the timescale described in this policy and that both the staff member and the relevant HR Officer are supplied with the appropriate documentation as soon as possible thereafter.

Written documentation is crucial to the probation as it will provide very helpful information for the forthcoming PMDS process when the probation period is completed successfully. Equally, it will indicate clearly the reasons why an appointment is not to be confirmed in the case of unsuccessful probation.

During the final review, discussions should be held between the staff member and the line manager about setting objectives and an individual development plan to be reviewed at the first PMDS meeting.

**Confirmation of appointment**

If the staff member’s performance, conduct, timekeeping and attendance have been satisfactory throughout and fully meet the organisations’ expected standards for the relevant grade/post, the line manager shall complete the probation form appropriately and recommend that the appointment should be confirmed. The form should be forwarded to the relevant HR Officer.

Staff members will be advised in writing (by the relevant HR Officer) of the successful completion of their probation period.

**Dealing with unsatisfactory performance**

Line managers should seek advice from their HR Partner whenever a staff member’s performance/conduct gives cause for concern. If appropriate, a member of the HR Department may be present at formal hearing reviews.

Where problems with meeting the appropriate standard(s) are highlighted and/or needs for relevant training identified, appropriate opportunity/support shall be provided to improve performance. The line manager shall meet formally with the staff member to:

- discuss any problems identified
- explain what aspect of the work is not considered satisfactory
- explain which objectives/standards are not met and the shortfall between standards and timescales expected of the staff member and those achieved
- what remedial guidance and training will be provided
- give clear early warnings of what may happen if required standards are not met
- give unambiguous indication of any necessary improvements
• agree a course of remedial action and timescales
• record the outcome of the meeting in writing and give a copy to the staff member

**Extending the probation period**

Exceptionally, the organisation reserves the right to extend the probation period for the following reasons: (a) the new staff member has not performed to the expected standards but there is evidence that the performance is likely to improve given the extra time or (b) due to the new staff member’s sickness or other period of absence, it has not been possible to adequately assess the staff member’s performance.

Where the probation is extended, the following must be discussed between the line manager and staff member:

• reasons for the extension
• length of the extension period
• assistance/training that will be given during the period of extension
• areas for improvement and indication of how these will be monitored and measured
• appointment will be terminated at the end of extension period if staff member fails to meet standards of performance expected for their grade/post

Any extension of the probation period will not exceed six months (or 12 months in total for more than one extension). The relevant HR Partner should be consulted in relation to any extension of a probationary period.

During the last month of the extended period, the line manager and his/her staff member will meet formally to review progress. If progress and performance are satisfactory at the end of the extended period, the line manager will recommend that the appointment should be confirmed and will complete the probation form as appropriate, and forward to relevant HR Officer. The staff member will be advised in writing (by the relevant HR Officer) of the successful completion of their probation period.

If progress is still considered unsatisfactory, the line manager will inform the staff member and make a recommendation that the appointment be terminated or extended for a final six month period. Again, advice should be sought from the HR Partner.

Where a probationary period has been extended as a result of unsatisfactory conduct or performance, the first increment will be deferred until a satisfactory level of conduct/performance is achieved. However, where a probationary period has been extended for reasons other than unsatisfactory conduct or performance (for example if a staff member were on maternity leave), increments may not be deferred.

In cases where performance/conduct falls substantially below the standard expected, management reserve the right to terminate the appointment within the intended probationary, subject to giving appropriate notice. Any termination of appointment will take place following consultation with the Head of HR.
**Terminating the appointment**

Where a staff member fails to achieve the expected standards of performance for their grade/post, this shall result in the appointment being terminated, subject to notice or where appropriate, pay in lieu of notice.

Following the final review meeting (including any period of extension) between the line manager, the staff member, the senior manager and/or senior representative of the HR Department, a final report shall be compiled, with a recommendation that the appointment should be terminated. At this stage, reasons for such a decision must be clearly explained to the staff member and they will have the right to be represented at the meeting and the right to respond.

A decision to dismiss would not normally be expected unless problems had been identified at an earlier stage and appropriate formal corrective action taken at that time. Staff members will be advised in writing that the appointment shall be terminated and informed of their last date of service.

**Performance Monitoring of Temporary Staff**

All staff, regardless of length of contract, should have their performance monitored. It states the following on all temporary contracts:

"During the period of your probation, your performance will be subject to review by your manager(s) to determine whether you:

(i) have performed in a satisfactory manner

(ii) have been satisfactory in general conduct, and

(iii) have had a satisfactory attendance record

(iv) If performance, conduct or attendance does not meet expectations, the initial period of probation may be extended for a further period of up to twelve months or, alternatively, your employment may be terminated."

Standards, objectives and duties/responsibilities should be clearly outlined to the new temporary employee and date for a review(s) agreed. The number of review meetings which should take place will depend on the length of the contract, for example:

- **3 month contract**: meet at the start of the contract and then at the end of the contract to review performance
- **6 month contract**: meet at the start, after 3 months and at end of the contract
- **12 month contract**: follow the same timeframes as for Probation Reviews (i.e. at the start, 3 months, 7 months and 11 months)

Review meetings should follow the same format as for Probation Reviews and the completed Performance Review Form should be returned to the relevant HR Officer.

Performance issues should be dealt with in the same manner as during the Probation Review period. Should performance not be satisfactory at the end of/during the review period, a decision may be taken to terminate the contract or not to renew the contract of employment.
3. Pensions & Retirement

3.1 Staff Pension Schemes
Most staff are members of either the Teagasc Draft Staff Superannuation Scheme, or the Single Public Service Pension Scheme. Membership of either scheme guarantees generous pension and life cover benefits. Both schemes provide security for employees and their families in the event of

- Retirement (Lump Sum, and Pension for life)
- Ill Health (Early payment of Lump Sum and Pension)
- Leaving Teagasc (Refunds or Preserved Pension Benefits)
- Death (Death Gratuity and/or Pension due to Spouse and eligible Children)

Full details of the Teagasc Draft Staff Superannuation Scheme benefits (which incorporates the AFT and ACOT schemes and the Agricultural Colleges Staff Superannuation Scheme), of which the majority of staff are members are provided in the Teagasc Draft Staff Superannuation Scheme.

The Single Scheme, as it's known, commenced on 1 January 2013 and applies to anyone who was recruited on or after that date, with no previous Public Sector service or with a break in Public Sector service of more than 6 months. Full details of the Scheme conditions and benefits can be seen in The Single Public Service Pension Scheme (Single Scheme).

Teagasc Draft Staff Superannuation Scheme

The Teagasc Draft Staff Superannuation Scheme is a Public Sector Defined Benefits Scheme. One of the advantages of a defined benefit scheme is that members know in advance what their pension will be and do not have to be concerned about how pension funds might perform in times of economic uncertainty, for example. In Teagasc’ case, similar to other Public Sector schemes, pension benefits are defined by final pay and length of service. The Scheme has two components, namely the Main Scheme and the Spouses and Children's Scheme. The Spouses and Children's Scheme provides a pension to a spouse and eligible children in the event of the death of a staff member in service or following retirement.

Retirement Benefits

Prior to 25 March 2004, the minimum retirement age for Public Servants was 60 years and the maximum retirement age, in general, was 65. However, the Public Service Superannuation (Miscellaneous Provisions) Act 2004 introduced new superannuation and retirement provisions for new entrants to the public service appointed on or after 1 April 2004. In summary, the Act increased the minimum age at which pension may be paid to new entrants to 65 years and also provided for no compulsory retirement age for new entrants. The maximum retirement age for non-new entrant salaried staff remains at 65 and at 66 for non-new entrant farm/general staff.

Notes: 1. A new entrant is a person appointed by a public service body on or after 1 April 2004 who was not employed in the Irish public sector before that date, or - if so employed – joined a public service body after a break in service of at least 6 months duration.
2. Retirement for Ex-AFT staff in the technician, admin and research grades is compulsory for all staff members at 68. But a staff member may retire or maybe required to retire at any time after reaching the age of 60 at the discretion of the director. A staff member through their Head of Department can make a business case for their retention to age 68 subject to agreement by the Director.

In order to qualify for maximum lump sum and pension benefits forty years pensionable service is required. However, many staff retire with less than forty years' service. The following formula is applied to calculate these benefits:

- **Lump sum:** pensionable remuneration* x 3/80 x pensionable service, and

- **Pension:** pensionable remuneration* x 1/80 x pensionable service (Staff paying D1 PRSI), or

- **Pension:** (pensionable remuneration* – (2 x OAP)) x 1/80 x pensionable service (Staff paying A1 PRSI who are entitled to claim the State Pension)

*Pensionable remuneration means basic pay that is reckonable for pension purposes, generally comprising salary and pensionable allowances, but excluding overtime. Where an employee is or has been in receipt of a pensionable allowance within the last ten years of service, the allowance can be averaged, based on the best three consecutive years. This allowance average is included for the purposes of calculating the pension and lump sum. Note: final pay is not used during Grace Periods.

A member’s retirement lump sum is payable at retirement date and his/her pension is payable monthly in arrears, commencing the day after retirement. As and from 1 January 2011, the maximum tax-free limit on retirement lump sums is €200,000. This tax-free amount is a lifetime limit and applies to all retirement lump sums paid to an individual on or after 7 December 2005. Further details are available at [http://www.revenue.ie](http://www.revenue.ie). Pension payments may be subject to tax and also USC.

**Ill-Health Benefits**

A staff member who has completed five or more years of actual pensionable service may retire or be retired on medical grounds, subject to Teagasc consent, in accordance with the conditions of the Scheme. Typically a member will have been out on long term sick leave, and will have a permanent disability/illness. He/she may have a period of notional service added to pensionable service, provided that the aggregate of pensionable service and notional service does not exceed 40 Years.

Additions of notional service are as follow:

- **Staff Member with 5 to 10 Years’ Service** - equal amount of service added but the total cannot be greater than potential service to Age 65.

- **Staff Member with 10 to 20 Years’ Service** - the most beneficial of either:
  - Balance to 20 years but not greater than potential service to Age 65 OR
  - $6^{2/3}$ years but not greater than potential service to Age 60.

- **Staff Member with over 20 Years’ Service** - the least beneficial of either:
  - $6^{2/3}$ years OR
  - Potential service to Age 60
Preserved Pension Benefits

Members who have two years or more pensionable service at a departure date which is before normal retirement age (Age 60/65), will have their lump sum and pension frozen (i.e. preserved) and paid, on application, at normal pension age, provided their service is not transferred to another Public Sector/Government body. Preserved benefits (lump sum and pension) are based on a member's actual pensionable accrued service, and his/her grade and point on the relevant salary scale at departure date. However preserved pension benefits are uprated in line with any increases/decreases in pay between a members' resignation date and payment due date (Age 60/65). Former members are required to apply in writing to the Teagasc Pensions Manager at least three months prior to preserved pension age, in order to claim preserved pension entitlements.

In the unfortunate event of a former members’ death before reaching preserved benefit age, a preserved death gratuity will be payable to his/her legal personal representative, upon grant of probate. A pension will also be payable to his/her spouse and eligible children, provided he/she was a member of the Spouses and Children's Scheme, during his/her employment.

Return of Contributions

Any member who has less than two years pensionable service at his/her departure date from Teagasc, can claim a refund of all pension (less 20% tax) and PRD contributions less statutory deductions, by completing a Pension and PRD Refund Request Form and submitting it to the Pensions Manager. Full details are provided by HR Services before a member’s departure date.

Entitlements in the event of Death

In the event of the death of a serving staff member, the following payments are due:

- A death gratuity is payable to the Legal Personal Representative nominated in the will of the deceased, upon grant of probate. The value of this Death Benefit ranges from a minimum of 1 times salary to a maximum of 1.5 times salary (depending on age and service of staff member), and is income tax free.

**Plus**, where the deceased was a member of the Spouses’ and Children’s Pension Scheme

- Surviving spouse is paid late spouses’ salary for 1 month following death
- Surviving spouse is paid a pension based on 50% of the notional potential pension payable to the deceased staff member, if he/she had retired on ill health grounds.
- Eligible children (to Age 16 or to Age 22 if in full time education), to a maximum of three, are entitled to an additional 33.3% of Spouses Pension

In the event of the death of a retired staff member who was a member of the Spouses’ and Children’s Pension Scheme, the following payments are due:

- Surviving spouse is paid late spouses’ pension for 1 month following death
Surviving spouse is paid a pension based on 50% of the deceased retiree’s pension.

Eligible children if any (to Age 16 or to Age 22 if in full time education), to a maximum of three, are entitled to 33.3% of Spouses Pension.

The surviving spouse may also be entitled to the Social Welfare Contributory Survivors Pension (non means tested) if the deceased staff member or retiree paid either Class D1 or A1 PRSI contributions.

**Pension Scheme Contribution Rates**

Main Scheme rates are as follow:

- Salaried staff employed pre 6 April 1995 (who pay the reduced rate of PRSI, Class D) pay 5% of gross pay
- Salaried staff employed on or after 6 April 1995 (who pay the full rate of PRSI, Class A) pay 1.5% of gross pay and 3.5% of *net pay
- Waged staff (who pay the full rate of PRSI, Class A) pay 1.5% of gross pay and 3.5% of *net pay
- Ex-Private College Staff (who pay the full rate of PRSI, Class A) pay 1.5% of gross pay and 3.5% of *net pay

Spouses and Children’s Scheme rates are as follow (in addition to Main Scheme):

- Salaried staff pay 1.5% of gross pay to the Scheme
- Waged staff pay 1.5% of *net pay to the Scheme
- Ex-Private College Staff pay 1.5% of *net pay to the Scheme

*Net pay is equal to gross pay less twice the rate of the State pension.*

Not all staff are members of the Spouses and Children’s Scheme, as membership was optional at different times, in the past. However, it is now compulsory for all new Teagasc staff, to join the scheme. Please note that the contributions paid under the Spouses and Children’s Scheme and under the Main Scheme are not itemised separately on pay-slips.

The Pension Related Deduction (PRD) which was introduced in March 2009 is in essence a levy on Public Sector Pension Schemes, and therefore is an additional contribution payable by members of the Teagasc Staff Superannuation Scheme. No additional pension benefits arise as a result of PRD payments. It is calculated on all personal remuneration, including overtime and allowances. The current rates, which were provided for under FEMPI 2015, are effective from 1 January 2016 to 31 December 2016) and are as follow:

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>First €26,083</td>
<td>Nil</td>
</tr>
<tr>
<td>Between €26,083 &amp; €60,000</td>
<td>10%</td>
</tr>
<tr>
<td>Above €60,000</td>
<td>10.5%</td>
</tr>
</tbody>
</table>

The following thresholds and rates will apply from 1 January 2017:

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>First €28,750</td>
<td>Nil</td>
</tr>
<tr>
<td>Between €28,750 &amp; €60,000</td>
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</tr>
<tr>
<td>Above €60,000</td>
<td>10.5%</td>
</tr>
</tbody>
</table>
3.2 The Single Public Service Staff Pension Scheme (Single Scheme)

Pensionable public servants (new joiners) recruited on or after 1 January 2013 (the commencement date of the Single Scheme) will be members of the Scheme. It also applies to anyone who was recruited on or after that date, who has a break in Public Sector service of more than 6 months. A standard vesting period of two calendar years must be served before becoming eligible for retirement benefits from the Scheme.

Pension and Retirement Ages

- **Pension age**: Minimum pension age is 66 (rising to 67 and 68 in line with State Pension age changes).
- **Compulsory retirement age**: Scheme members must retire at the age of 70.

Contribution Rate

The Scheme is integrated with the social welfare system and the contribution rate takes account of the SPC benefits which are being contributed to by the member and the employer by way of social insurance contributions. In each pay period an amount equivalent to 3.5% of net pensionable remuneration PLUS 3% of pensionable remuneration will be deducted as the member's contribution under the Scheme.

*Pensionable remuneration means basic pay that is reckonable for pension purposes, generally comprising salary and pensionable allowances, but excluding overtime. Net pensionable remuneration means pensionable remuneration less twice the value at that time of the SPC for a single adult without dependents.*

Members of this Scheme must also pay the Pension Related Deduction (PRD). The current rates, which were provided for under FEMPI 2015, are effective from 1 January 2016 to 31 December 2016) and are as follow:

<table>
<thead>
<tr>
<th>Remuneration Range</th>
<th>PRD Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>First €26,083</td>
<td>Nil</td>
</tr>
<tr>
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</tr>
<tr>
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<td>10.5%</td>
</tr>
</tbody>
</table>

Accrual Rate

Money amounts (referable amounts) building towards pension and lump sum are separately accrued each year using the following formula:

- **Pension**: Accrual rate of 0.58% of pensionable remuneration up to a ceiling of 3.74 X State Pension Contributory (SPC) (currently €45,000) PLUS *(where applicable)* 1.25% of pensionable remuneration above that level.
- **Lump sum**: 3.75% of pensionable remuneration.
Calculation of Benefits

Calculation formula: During Scheme membership, the amounts accrued each year will be increased to reflect the CPI increase between that year and retirement. The annual pension and lump sum payable at retirement will equal the total of these CPI adjusted amounts.

Allowances

Pensionable allowances or emoluments or premium payments, or equivalent, in existence and payable before Scheme commencement on 1 January 2013 are treated as pensionable remuneration under the Scheme. Allowances or premium payments first arising after commencement are pensionable provided they are (i) approved as being pensionable, (ii) permanent in nature, (iii) subject to contributions and (iv) have been advised to the Scheme member as being pensionable.

Early Retirement on Medical Grounds

In cases of medically certified incapacity to work, immediate payment of pension benefits accrued to point of retirement with no actuarial reduction is provided for in the Scheme for members with more than two years’ service. In such cases, regulations will be made to provide for enhanced benefits payable, having regard to factors such as the member’s career to date and expected career to retirement. For members with less than two years’ service, a gratuity of 8.5% of pensionable remuneration per year of service is paid.

Retirement on medical grounds:

- **Members with less than 2 years’ service** will receive a Gratuity of 8.5% of pensionable remuneration per year of service.
- **Members with more than 2 years’ service** will be entitled to immediate payment of retirement benefits accrued to point of retirement (with no actuarial reduction).

Dependant’s Benefits

- **Death in service benefit**: A Lump sum will be payable to the estate of the deceased member equal to twice annual pensionable remuneration at time of death.
- **Survivors’ benefits**: Spouse/civil partner will be entitled to a pension equal to 50% of member’s pension. Also children’s benefits will be payable (total payments not to exceed 100% of member’s pension).

Purchase of Additional Pension /Lump Sum and Transfers from Funded Schemes

The option to allow purchase of additional pension and lump sum on a full cost basis to the member is catered for in the Scheme. The Scheme can also cater for transfers from funded schemes. The Minister for Public Expenditure and Reform is to make regulations to so provide.

It is anticipated the Scheme will allow for once-off or periodic purchase and that the money paid in would be recorded in the lump sum ‘referable amount’ being accrued
for the year in question and then up-rated until retirement where it could be commuted to pension or payable as part of the lump sum.

**Cost Neutral Early Retirement**

The Scheme provides that a member who has reached age 55 may retire early on an actuarially reduced (or cost neutral) basis. The benefits paid are reduced by reference to the member's age at resignation in accordance with actuarial tables approved by the Minister for Public Expenditure and Reform.

**Preservation of Benefits**

Where, after completing the vesting period but before reaching minimum pension age, a person ceases to be a public servant (other than on cost neutral early retirement or medical grounds) he/she will be entitled to a pension and lump sum payment, payable on application on attaining minimum pension age. The amount of this “preserved pension” and “preserved lump sum” is the amount which would have been awarded to the Scheme member had he or she attained the minimum pension age on the date of ceasing to be a public servant, adjusted for CPI.

**Return of Contributions**

Scheme members who leave before completion of the vesting period (i.e. 2 years) are entitled to a refund of their contributions adjusted for tax /other statutory deductions, by completing a Pension and PRD Refund Request Form and submitting it to the Pensions Manager. Full details are provided by HR Services before a member's departure date.

**Restriction on Number of Pensions Payable under the Scheme**

Only one full-time employment or the aggregated equivalent at any time can be taken into account to accrue retirement benefits under the Scheme.

**Post Retirement Increases**

Pension increases: Based on increases in the CPI.

*This is a summary overview of the Single Public Service Pension Scheme, and is not a legal interpretation of the Act. Further details are available in the information booklet entitled “Single Public Service Pension Scheme: General Outline of Standard Terms” and in the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, which are available at [http://per.gov.ie/single-scheme](http://per.gov.ie/single-scheme)*
3.3 Additional Pension Information

Retirement

Details relating to minimum retirement ages and retirement benefits are set out in Sections 3.1.1 and 3.1.2. Regardless of your service, if you have not reached your minimum retirement age then you can only retire under an Early Retirement Scheme. Alternatively you can resign and wait till your preserved pension age to claim your pension benefits. Forty years’ service is often referred to when discussing pensions, but it’s only relevance is that forty years is the maximum service which can be counted for pension benefits. If you are considering retirement, you can request an estimate of your pension benefits by contacting the Pensions Manager, preferably by email (amhairgin.nilaoi@teagasc.ie), at any time.

The minimum retirement notice period is eight weeks, but twelve weeks’ notice would be preferable. You should inform your line manager in writing, indicating the date you wish to retire on (which will be your last day of service). A copy of the letter should also be sent to the Pensions Manager, Teagasc, Food Research Centre, Ashtown, Dublin 15 (or by email to amhairgin.nilaoi@teagasc.ie).

Teagasc runs two day in-house Pre Retirement Planning Courses (in conjunction with a course provider) for staff members who are considering retirement. It is usually of interest to staff who are close to retirement, but staff within three years of retirement age, are encouraged to attend. Spouses are also welcome to attend, and Teagasc pays course fees, including that of an attending spouse. Topics covered include approaching retirement, health and diet, money matters, budgeting, social welfare entitlements, legal matters, personal taxation, activities and security. Course participation is conducted in conjunction with PMDS.

A new ‘grace period’ was provided for in Section 9 of the Financial Emergency Measures in the Public Interest Act 2013 (FEMPI). The effective period was originally from 1 July 2013 to 31 August 2014. This was extended by the Minister (under section 9(1)(b)(ii) of the Act) to 30 June 2015 initially, it was further extended to 31 March 2019, on 10 February 2015 and extended once again to 31 March 2019 (under Statutory Instrument no 547/2015 - Public Service Pension Rights (No 2) Order 2015, made on 8 December 2015). Public servants who retire during the grace period will have their pension and lump sum calculated as if the pay reduction and any relevant increment pause or freeze had not applied to them. This applies to anyone who is retiring in the normal way on age grounds, on ill-health grounds or under Cost Neutral Early Retirement. It also applies in the case of a preserved benefit coming into payment on or before 31 March 2019. Note - The minimum retirement age of 60 still applies during the Grace Period.

What the Grace Period means is that for staff whose pay is reduced due to the 1 July 2013 pay cuts, their pension and lump sum awards will be based on their higher pre-cut pay rates (i.e. based on 01/01/10 salary scales), if they retire during this period. Furthermore, for any staff member who was due to receive an increment during the grace period, their pension and lump sum awards will be based on the point they would have reached on the 01/01/2010 salary scales, subject to retiring on or after their increment due date and before the end of the grace period.

However, the annual pensions of this group of retirees (PSPR Group 3 under FEMPI 2015 – those who retired post 29/02/2012, whose pension exceeds €32,500) are subject to PSPR (Public Service Pension Reduction) at the rates outlined below:
### 1 January 2016:

<table>
<thead>
<tr>
<th>TABLE A3 (Group 3): PSPR from 1 January 2016 to 31 December 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annualised amount of public service pension</strong></td>
</tr>
<tr>
<td>Up to €29,300</td>
</tr>
<tr>
<td>Any amount over €29,300 but not over €60,000</td>
</tr>
<tr>
<td>Any amount over €60,000 but not over €100,000</td>
</tr>
<tr>
<td>Any amount over €100,000</td>
</tr>
</tbody>
</table>

### 1 January 2017:

<table>
<thead>
<tr>
<th>TABLE B3 (Group 3): PSPR from 1 January 2017 to 31 December 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annualised amount of public service pension</strong></td>
</tr>
<tr>
<td>Up to €39,000</td>
</tr>
<tr>
<td>Any amount over €39,000 but not over €60,000</td>
</tr>
<tr>
<td>Any amount over €60,000 but not over €100,000</td>
</tr>
<tr>
<td>Any amount over €100,000</td>
</tr>
</tbody>
</table>

### 1 January 2018:

<table>
<thead>
<tr>
<th>TABLE C3 (Group 3): PSPR from 1 January 2018 onwards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annualised amount of public service pension</strong></td>
</tr>
<tr>
<td>Up to €60,000</td>
</tr>
<tr>
<td>Any amount over €60,000 but not over €100,000</td>
</tr>
<tr>
<td>Any amount over €100,000</td>
</tr>
</tbody>
</table>

**Notes**

1. PSPR does not apply to Retirement Lump Sums
2. The band-specific reduction rates apply to the slices of pension income in each band; they do not apply to the entire pension
3. The PSPR thresholds, rates and bands for the period 1 January 2016 to 31 December 2016 have been applied to all pensions in excess of €32,500 for those who have retired post 29/02/2012 to date and for anyone retiring before 31 December 2016.
4. From 01/01/2017 the 2017 PSPR thresholds, rates and bands will be applied to all pensions in excess of €39,000 for those who have retired post 29/02/2012 to date and for anyone retiring in 2017.
5. From 01/01/2018 the 2018 PSPR thresholds, rates and bands will be applied to all pensions in excess of €60,000 for those who have retired post 29/02/2012 to date and for future retirees.
6. Higher PSPR rates are being applied to those who retired prior to 29 February 2012.
Early Retirement

The last Voluntary Early Retirement Scheme under which certain categories of Teagasc staff departed closed with effect of 30 December 2011. The 2013 Teagasc Voluntary Redundancy Scheme closed on 29 November 2013, and there are no plans (at time of print) to re-open any similar scheme. Although Voluntary Early Retirement will not be available in the future, any staff member who is within ten years of Preserved Pension Age (60/65) can retire under the Cost Neutral Early Retirement Scheme (CNERS). This scheme has been in place since April 2005 for public servants aged at least 50 or 55 (depending on preserved pension age) and has allowed staff to retire early with immediate payment of pension benefits. Under this scheme both pension and lump sum are reduced (actuarially), to take account of the early payment of the lump sum and the longer period over which pension will be paid. The reduction depends on your age, but someone retiring at age 54, for example, would only be entitled to 74.3% of pension entitlements and 88.9% of lump sum.

Pension benefits are based on actual reckonable service and pensionable remuneration applicable at date of retirement (i.e. there are no added years). Reduced pension and lump sum is calculated by applying the relevant percentages from the table below to the preserved benefit, with appropriate adjustment, as necessary, for exact age (i.e. years and days) at retirement. A formula is used in the calculation.

It is important to note that the actuarially reduced rate applies throughout the lifetime of the payment of a pension subject to adjustments in line with civil service pension increases or decreases, as appropriate. Furthermore, anyone who avails of cost neutral early retirement cannot subsequently switch to payment of a preserved pension at normal preservation age (60 or 65 years). While the actuarial reduction remains in place for the duration of the member's own pension, it does not apply to any spouse's and children's pensions subsequently payable.

The actuarial reduction factors which apply under the scheme are as follow:

<table>
<thead>
<tr>
<th>Age Last Birthday</th>
<th>Persons with a Preserved Age of 60</th>
<th>Persons with a Preserved Age of 65</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pension</td>
<td>Lump sum</td>
</tr>
<tr>
<td>50</td>
<td>62.4%</td>
<td>82.2%</td>
</tr>
<tr>
<td>51</td>
<td>65.1%</td>
<td>83.9%</td>
</tr>
<tr>
<td>52</td>
<td>67.9%</td>
<td>85.5%</td>
</tr>
<tr>
<td>53</td>
<td>71.0%</td>
<td>87.2%</td>
</tr>
<tr>
<td>54</td>
<td>74.3%</td>
<td>88.9%</td>
</tr>
<tr>
<td>55</td>
<td>77.8%</td>
<td>90.7%</td>
</tr>
<tr>
<td>56</td>
<td>81.6%</td>
<td>92.4%</td>
</tr>
<tr>
<td>57</td>
<td>85.7%</td>
<td>94.3%</td>
</tr>
<tr>
<td>58</td>
<td>90.1%</td>
<td>96.1%</td>
</tr>
<tr>
<td>59</td>
<td>94.8%</td>
<td>98.0%</td>
</tr>
</tbody>
</table>
The State Pension

Eligibility to the Contributory State Pension is determined by your PRSI class and contributions during employment. In general, Teagasc staff recruited prior to 6 April '95, excluding Farm/Domestic grades pay class D1 PRSI, and Teagasc Farm/Domestic Grades & staff recruited after 6 April 1995 pay A1 PRSI. If you have paid class A1 PRSI throughout your employment, you should qualify for the Contributory State Pension, depending on your total and average yearly number of contributions.

If you have paid class D1 PRSI throughout your employment, you will not qualify for any Contributory State Pension. You can apply for the Non-Contributory State Pension, but this is means tested. If you have mixed class PRSI contributions (i.e. worked in the private sector, or were self-employed for periods) you may be entitled to a Pro-rata State Pension. There are a number of pro-rata pensions for intermittent and mixed insurance and also EU service.

The Qualifying Age for the State Pension has changed, as follows:

- Remains at 65 to 2014 (born before 31/12/1948)
- Changes to 66 by 2014 (born between 1949 and 1954)
- Increases to 67 by 2021 (born between 1955 and 1960)
- Increases to 68 by 2028 (born after 01/01/1961)

Further comprehensive details relating to qualification requirements and future changes are available at [www.welfare.ie](http://www.welfare.ie)

Teagasc Supplementary Pension (PRSI Class A Staff Entitlement)

A Supplementary Teagasc Pension is an additional amount of pension that may be paid by Teagasc to a person whose Teagasc pension is co-ordinated with the State Pension (i.e. a person paying A1 PRSI). All farm, domestic, general and ex-Private College staff and also staff in other categories who were recruited on or after 6 April 1995 pay A1 PRSI. A Supplementary Teagasc Pension may be paid to persons availing of the VER/VRS Scheme on reaching the relevant normal preserved pension age (60), if Social Welfare entitlements have been exhausted.

A Supplementary Teagasc Pension will be paid only if the following conditions are met:

- A person must be in receipt of a Teagasc pension and
- cannot be employed and
- due to causes outside his/her own control either fails to qualify for Social Welfare benefit or qualifies for Social Welfare benefit at a rate which is less than the maximum personal rate of contributory old age pension,

For as long as these conditions are met, the person concerned shall be paid a supplementary pension by Teagasc. The maximum amount payable is the difference between:

- the pension he/she would receive if the Teagasc pension was calculated on a non co-ordinated basis (as for D1 staff) and
- the person’s actual Teagasc Pension plus Social Welfare benefits if applicable.
NB Failure to claim Social Welfare benefits that the person would otherwise be entitled to would be regarded as a cause within the person’s own control and supplementary pension would not be payable in these circumstances i.e. it is only after Social Welfare benefits come to an end that the supplementary pension can be paid by Teagasc.

A retiree can claim a supplementary pension from Teagasc by providing a letter from the Department of Employment Affairs and Social Protection (Social Welfare) verifying that he/she fails to qualify for Social Welfare benefit or qualifies for Social Welfare benefit at a rate which is less than the maximum personal rate of contributory old age pension due to causes outside his/her own control. The amount of supplementary pension payable will vary depending on the amount of a retiree’s pension and whether he/she is entitled to any Social Welfare benefit. As it is paid by Teagasc, it is not means tested.

For example, a person who paid A1 PRSI and decided to retire at age 57 under the VER/VRS scheme, will not be entitled to the State pension until age 66. At age 60 however he/she may be entitled to a Supplementary Teagasc Pension, if for reasons outside his/her own control, as outlined above, the Teagasc pension plus Social Welfare benefits, if any, are less than the pension he/she would receive if the Teagasc pension was calculated as for D1 staff.

Please note the following:

- Social Insurance records can be ordered online, or requested by writing to the Records Section in Buncrana
- Information is also available at local Social Welfare Offices or Citizens Information Centres
- Contact details for the State Pension Section, Dept of Employment Affairs and Social Protection, College Road, Sligo: LoCall 1890 500 000

**Transferring Service – Public Sector Transfer Network Scheme**

This Transfer Scheme enables employees to transfer pensionable service within the Civil/Public Service i.e. between the civil service and the majority of state and semi-state organisations e.g. Teagasc to the Health Services or Agriculture to Teagasc, Finance, Garda Síochána etc. This can be useful as it means that pension benefits can be combined and at times maximised.

Any employee who wishes to transfer service should contact the Pensions Manager, providing exact details (if possible) of any previous employment in the Civil/Public Service, or alternatively, in the case of staff leaving Teagasc, details of his/her prospective new employer, so that reckonable service can be transferred, if appropriate. Maiden Name, if applicable, exact location, type of grade (technical, administrative, research, farm, etc) and employment status (temporary/permanent) should be provided.

**Transfer Value**

A staff member, who has left an occupational pension scheme with an entitlement to Deferred Benefits, or who is a member of an AVC Scheme, may have the option of transferring his/her benefits to Teagasc by means of a **Transfer Value payment** i.e. cashing in your benefits and purchasing Notional Service. You might want to do this in order to avoid future risk, especially in times of economic uncertainty, as AVC
Schemes or Private Pension Schemes usually depend on fund performance, whereas our pension scheme does not. The Teagasc scheme is a defined benefit scheme, i.e. one where the benefit entitlement is defined by a formula, with final pay and length of service being the variants. If you wish to check this out further you should enquire from your pension provider whether you can move your funds by the Transfer Value payment method and provide the Pensions Manager with the details you receive.

**Buying Notional Service**

The Purchase of Notional Service Scheme allows Civil and Public Sector employees to purchase service either by lump sum or by periodic agreement, and by reference to retirement at Age 60 or at Age 65. The purpose of this is to allow staff who would not otherwise have maximum service to increase their pension benefits at retirement. It only applies to members who will have less than full 40 years’ service at retirement age, having taken account of Private Pension Scheme entitlements. The rate charged depends on a member’s age, their salary and PRSI class.

The Age 65 purchase facility is available to all members of the Staff Superannuation Scheme whereas the Age 60 facility is applicable to all staff who were Public Service employees prior to 1st April 2004. Lump sum purchase can take place at any time. Purchase by periodic agreement commences from a member’s next birthday and ceases at either Age 60 or 65. Contributions paid under this scheme are always based on full pay. Therefore if a member decides to job-share or reduce their hours the purchase deduction will remain as of full salary. Tax relief is applicable within Revenue limits and makes the scheme more attractive.

Full details are provided in Circular 4_2006 – Purchase of Notional Service, which is available on the T-Net. Queries relating to the Scheme should be addressed to the Pensions Manager.

**Professional added Years**

A Scheme for the grant of "Professional Added Years" for superannuation purposes to staff of State Bodies was introduced with effect from 1 July 1987 and notification issued to all Personnel Officers on the 9 May 1988. The scheme was amended in November 2004 and could apply to employees who were serving at any time between 1 April 1997 and 31 December 2004. Serving employees to whom the original scheme (May 1988) already applied, could continue to have their cases dealt with under that scheme, if more favourable. In 2005, a new scheme was introduced for new entrants recruited to a professional, technical or specialist post in the civil and public service by competition advertised on or after 1 April 2005 (Ref - Circular 8/2005).

The underlying aim of the schemes is to provide for the grant of a limited number of added years of notional service, for superannuation purposes, in cases where the minimum preconditions for appointment to a post are such as to preclude an appointee from acquiring full superannuation entitlements by pension age of 65. The entitlements under the scheme are assessed by reference to the minimum requirements of the competition for appointment to the post and not by reference to the individual circumstances of the appointee. Furthermore a distinction is made between qualifications required (i.e. deemed essential) for the post and those which are merely desirable. Further details are provided in the relevant circulars.
Staff recruited and made permanent by a Local Authority, prior to joining ACOT may be entitled to an award of professional added years under the Local Authority Professional Added Years Scheme. The scheme provides for a notional service award of one-third of actual service, up to a maximum of 10 years, effective from minimum retirement age (60). However this award would fall to be reduced on a year-for-year basis, if an employee retires (voluntarily) before age 65.

**Additional Voluntary Contributions (AVC’s)**

Additional Voluntary Contributions are an alternative means of increasing pension benefits on retirement. Other options available include PRSAs and AVC PRSAs, or the Purchase of Notional Service (for Superannuation purposes) Scheme for Civil/Public Servants. Joining an AVC Scheme is essentially a private arrangement between the individual and a private pension provider. The benefit is generally in the form of an additional cash amount of pension or lump sum rather than the additional notional years of service under the purchase scheme. The cash benefit is ultimately dependent on the performance of the fund in which the AVC contributions are invested. Contributions are allowable against income tax, subject to revenue rules.

There are two AVC Schemes currently in place for Teagasc Staff – membership is voluntary. These schemes are not endorsed by Teagasc i.e. the role of Teagasc in relation to AVC schemes for Teagasc Staff is the deduction of AVC contributions at source, if requested, and the payment of these contributions to the scheme administrators. Contact details for the Providers are as follow:

**Cornmarket Financial Services Ltd**  
(formerly Gregan McGuinness Life and Pensions Ltd)  
Christchurch Square  
Dublin 8  
Tel: 01 4084162

**Irish Pensions & Finance**  
Suites 3 and 4 Gowna Plaza  
Bracetown Business Park  
Clonie  
Co Meath  
Tel: 01 8298500
4 Teagasc Standards & Codes of Practice

4.1 Grievance Policy & Procedure

Policy
This policy has been written in accordance with the principles of natural justice and adheres to the Code of Practice on Grievance & Disciplinary Procedures as issued by the Labour Relations Commission.

This policy is not intended to replace normal manager to employee dialogue. Its purpose is to ensure that all staff members have a means to address issues of concern which affect them directly. This can include:

- An issue which has not been resolved with normal manager to employee dialogue
- A decision or action taken by management
- An instance where a staff member feels that procedure has not been adequately/fairly applied

All reasonable instructions from Line Managers must be adhered to by staff, under protest if they so wish, while a Grievance is being pursued.

Grievances arising from any stage of a recruitment process will not be dealt with via the Grievance Procedure. In this instance, staff should refer to the relevant Appeals Procedure agreed with staff representatives at the time.

Applicability
This policy will be applied fairly and consistently to all management and staff. It will be Teagasc policy to endeavour to resolve grievances, whenever possible, without recourse to third party industrial relations machinery. This will require a collaborative approach to be adopted by all concerned to endeavour to identify outcomes that respect the legitimate expectations of all parties.

Procedure
Before the Grievance Procedure is initiated, staff members are encouraged to discuss the issue with their line manager. They should also consider the possibility of using mediation to resolve the issue. This would require that all parties are agreeable to participate in a mediation process.

If the staff member is dissatisfied with the outcome of those discussions/mediation, or if this is not possible, they may invoke the Grievance Procedure. This should be done in writing to the manager, outlining the grievance in detail (including any supporting documentation).

In the event that the manager concerned is the subject of the grievance, the procedure will be invoked at Stage 2 or at Stage 3 as appropriate.

At each stage of the Grievance Procedure, the following protocols will be observed:

1. Meetings will be organised within 10 working days of receipt of the grievance or as soon as possible thereafter following agreement with all parties concerned.
2. The staff member will have the right to be accompanied by a Teagasc colleague or recognised trade union representative at any grievance meeting. Representation under than above will be considered on a case by case basis and permitted in exceptional situations.

3. The manager will be entitled to be accompanied by another manager and/or a member of the HR Department should he/she wish.

4. Any notes or record kept during the meeting will be agreed between all parties concerned.

5. A response will normally be communicated in writing within 10 working days. However, this timeframe may be extended if agreeable to all parties concerned.

6. At each stage of the process, the relevant manager will be responsible for setting up the meeting and HR will be notified of this.

**Stage 1**
A meeting will be arranged between the staff member and their line manager. The issue will be discussed with a view to seeking an agreeable resolution. A timeframe will be agreed to communicate a formal response.

A decision will be taken as soon as possible after the meeting following reasonable enquiries or action by the manager. A response will be communicated in writing within the agreed timeframe.

**Stage 2**
If the staff member is not satisfied with the response given at Stage 1, they may appeal the finding to Stage 2 of the procedure. This should be submitted in writing to the next level of management within 10 working days of receipt of the Stage 1 decision. A meeting will be organised with the Senior Manager/Senior HR Representative and the staff member. The issue will be discussed with a view to seeking an agreeable resolution. A timeframe will be agreed to communicate a formal response.

A decision will be taken as soon as possible after the meeting following reasonable enquiries or action by the Senior Manager/Senior HR Representative. A response will be communicated in writing within the agreed timeframe.

**Stage 3**
If the staff member is not satisfied with the response given at Stage 2, they may appeal the finding to Stage 3 of the procedure. This should be submitted in writing to the next level of management within 10 working days of receipt of the Stage 2 decision. A meeting will be organised with the Senior Manager/Senior HR Representative and the staff member. The issue will be discussed with a view to seeking an agreeable resolution. A timeframe will be agreed to communicate a formal response.

A decision will be taken as soon as possible after the meeting following reasonable enquiries or action by the Senior Manager/Senior HR Representative. A response will be communicated in writing within the agreed timeframe. This decision will be final, and no further appeals will be heard.

**Further Recourse**
If the staff member is not satisfied with the outcome of the Grievance Procedure, they may seek further recourse through a third party. This may include the Rights Commissioner Service, or the Labour Relations Commission/Labour Court.
4.2 Positive Action Policy

Introduction

Teagasc has a responsibility to ensure that all staff are aware of the standards of attendance, work and conduct expected of them. Teagasc also has a responsibility to ensure that every staff member has the necessary resources to enable them to meet these standards. Equally, there is an onus on every staff member to make their line manager aware if they are unable to meet these standards for any particular reason so as to enable Teagasc to provide the appropriate assistance.

It is intended that this Positive Action Programme (PAP) is an informal process that would be availed of by both staff and managers in order to resolve what may otherwise become a grievance or disciplinary issue.

What will it involve?

It will involve the following:

1. Discussion and Counselling
2. Providing Appropriate Assistance
3. Evaluation

1. Discussion and Counselling

During this stage the line manager will make the staff member aware that there is an issue which needs to be addressed. The line manager will then try to establish the reason this issue has arisen and how it may be rectified, for example, frequent lateness in the morning: why is it happening? What can we do to prevent it from happening in the future?

Equally, a staff member may approach their line manager should they have a concern regarding ability to meet the required standards. It may be the case that the staff member feels that they do not have adequate resources, training etc to enable them to meet the required standards. This should be discussed openly with the line manager in order to ensure that the problem can be addressed.

2. Providing Appropriate Assistance

Having established the problem, the line manager will then devise an appropriate course of action to provide assistance. This may involve making the staff member aware of the Employee Assistance Programme (EAP), and their options under it, or it may be arranging for appropriate training and development, or equipment, to be provided. Whatever the course of action, both parties should be fully in agreement that it is appropriate and will address the issue in question.

If it is the case that no underlying issue is identified, the staff member will be made aware of the improvements that need to be made and the timescale in which they should be achieved. It is important to note that in order for this approach to be successful, there must be a shared ownership and a commitment from both the line manager and the staff member to achieving a successful outcome.
3. Evaluation Stage
During the evaluation stage, where appropriate, the line manager will review the employee's progress following the appropriate course of action.

If action involved specific improvements to be made within a particular timescale, the achievement of these improvements will be evaluated. If action involved the provision of necessary skills or resources, the effectiveness of this will also be evaluated. The staff member and the line manager should be proactive in any course of action in order to achieve a successful outcome.

If the desired outcome has not been achieved following the evaluation stage, the following options may be considered:

- the original timescale may be extended
- an alternative course of action may be devised and re-evaluated
- if appropriate, disciplinary procedures may be initiated after all attempts to reasonably address the situation have been made. Any positive action taken must comply with the principles set out in the disciplinary procedure.

The Positive Action Programme is an informal process. However it is recommended that managers provide participants with a letter confirming that positive action has been initiated, the reasons for this, the agreed course of action and the agreed date of evaluation. This letter will be for the staff member and the manager's reference so they are both clear about what they hope to achieve through the process. A template letter of confirmation is available on the HR section of the T-Net.
4.3 Teagasc Investigatory and Disciplinary Code

Part 1: Purpose and principles

1.1 Purpose

The purpose of this Code is to set out the arrangements for dealing with disciplinary matters in Teagasc. It is also to ensure that all staff are aware that if there is a failure to adhere to the required standards of conduct, work performance and attendance, the disciplinary procedure set out in this Code will apply. This procedure will be initiated where a concern arises about the conduct, work performance, and/or attendance of a staff member. This procedure will provide a fair and efficient process for dealing with any such concern. This Code will apply to all Teagasc staff other than new entrants serving in a probationary capacity.

1.2 Principles

Teagasc is committed to providing efficient and well managed services. All staff shall comply with the Teagasc Code of Conduct and all policies relating to terms and conditions of employment. In circumstances where a concern arises about the conduct or performance of an individual it may be necessary to take disciplinary action. Where such circumstances arise, all staff must be treated in a fair and equitable manner in accordance with the principles of natural justice which will include:

- The right of a staff member to be informed of any concern about his or her conduct;
- The right to have the allegations or complaint set out in writing
- The right to know the source of the allegation/complaint
- The right of reply to any such concern;
- The right to a fair and impartial determination of the matter after all relevant facts have been considered.
- The right to be represented by a colleague or by an official employed by a trade union holding recognition from Teagasc,
- For serious cases where there is a risk of dismissal the following may apply:
  - the right to confront witnesses
  - the right to be represented by an other representative, eg: legal representation

Line managers are responsible for making staff aware of the acceptable standards of attendance, work performance and conduct expected from them and for dealing with shortcomings promptly and fairly. In general the line manager will deal with any concern on an informal basis through discussion and appropriate assistance rather than through the formal disciplinary procedure.

All staff must comply fully with any disciplinary process. This obligation extends to any staff members involved in a disciplinary process as a witness, or in any other capacity. A staff member who fails to comply with a disciplinary process without reasonable cause will be in breach of his/her terms of employment and maybe subject to disciplinary action.

There is an obligation on all parties to comply with all the provisions of the disciplinary procedure in accordance with law.
Part 2: The disciplinary procedure and use of the Code

2.1 The disciplinary procedure

The disciplinary procedure set out in this Code (“the Code”) will be commenced where concern has arisen, or an allegation has been made, that misconduct may have occurred on the part of a staff member.

2.2 Misconduct

Misconduct encompasses any type of behaviour that breaches acceptable standards in the workplace. Misconduct also includes a failure to improve performance where a Positive Action Programme (PAP) has been in place but has not resulted in the required improvement. Any reference to misconduct in this code shall also be a reference to a failure to improve performance in accordance with a PAP and any reference to conduct shall include performance issues. Misconduct may also include inappropriate behaviour outside the workplace which has an impact, or could reasonably be likely to have an impact within the workplace. Examples of misconduct and serious misconduct are provided in Appendix A.

2.3 Frustration of the disciplinary procedure

It is the duty of all staff to participate in the disciplinary procedure when required to do so. Where a staff member fails or refuses (without reasonable cause) to do so, then the relevant manager may make a decision in the absence of the staff member’s full participation. Where there is a repeated pattern of non-participation (without reasonable cause) the relevant manager should:

- continue with the disciplinary procedure;
- advise the staff member accordingly; and
- inform the staff member of each step as it is reached.

The relevant manager should give the staff member the opportunity to participate in subsequent steps of the procedure. The relevant manager may draw an adverse inference from the non-participation of a staff member in any part of the disciplinary procedure.

2.4 Relevant manager

Any reference to ‘relevant manager’ shall mean the line manager, a more senior manager or a HR Manager as appropriate to the specific situation. Teagasc will determine who the relevant manager is in respect of disciplinary matters and may issue appropriate guidance on such matters. It is generally expected that the line manager will administer level one verbal warnings and level two written warnings. A senior manager, with the advice of the HR Department, may administer a final warning and more serious sanctions where appropriate. The staff member will be advised of the identity of the relevant manager at the outset of the process. There may be situations where it is necessary for a change to the relevant manager. In such situations the staff member will be advised of the change.

2.5 Implementation

Responsibility for implementation of this Code lies with the Human Resource Department in consultation with the Director of Teagasc as appropriate.

2.6 Timelines

It is in the interest of all parties that matters are progressed in a timely and efficient fashion, in compliance with the timelines in the procedure. However, it is recognised that on occasion it may be necessary to extend timelines to ensure all parties can
participate fully in the process. All references to days within the timelines refer to working days.

2.7 Transitional Arrangements
Disciplinary cases which have commenced under Teagasc Disciplinary Policy and Procedure shall continue until completion. Any new disciplinary cases which are commenced after 01 April 2018 shall be progressed under this Investigatory and Disciplinary Code.
Part 3: The disciplinary procedure

Step 1 • Commence the process

Step 2 • Investigation: Establish the facts

Step 3 • Prepare for the disciplinary meeting

Step 4 • Disciplinary meeting

Step 5 • Outcome of the disciplinary meeting

Step 6 • Decide the appropriate disciplinary sanction

Appeals • Internal and external
3.1 Where concern arises about a staff member’s conduct and where the use of informal measures to resolve the behaviour is considered inappropriate or has proven unsuccessful, the relevant manager will commence the disciplinary procedure in accordance with the following steps. (See section 2.4 for information about the relevant manager.)
3.2.1 The nature of any investigation under this Code, and the identity of the appropriate investigator, will depend on the complexity and seriousness of the issue and will be a matter for the relevant manager to determine. At all stages, the relevant manager will consult with and be guided by the HR Department.

**Gathering information**

3.2.2 A relevant manager may gather available information prior to commencing an investigation or undertaking a disciplinary meeting. Relevant managers may need to complete some preliminary information-gathering before informing the staff member of any concerns. This may arise where there is a question about whether there is anything worth investigating; or where there is ambiguity about the extent of the investigation; or where there is ambiguity about who should be investigated. A staff member should not normally be the subject of a prolonged information-gathering process without his or her knowledge. The staff member should be informed without delay as soon as the relevant manager decides that an investigation should be commenced or a disciplinary meeting should be undertaken.

**Nature of the fact finding/investigation (one stage or two-stage process)**

3.2.3 In cases where the facts are not complex or in dispute and where the suspected misconduct is not serious, in consultation with the relevant union official/representative, the fact finding exercise may take place as part of the disciplinary meeting (described in Steps 3 & 4).

3.2.4 In all other cases, an investigation (whether an investigation under Step 2 of this Policy or a separate workplace investigation such as an investigation under the Dignity at Work Policy) will be completed prior to any disciplinary meeting taking place (described in Steps 3 & 4).

**Identity of the investigator(s)**

3.2.5 In cases where the facts are not complex and the suspected misconduct is not serious, it is generally expected that the line manager will investigate the concern about the staff member's conduct.

3.2.6 In all other cases, where the facts of the matter have not been established through a previous workplace investigation, the matter should be referred to HR who will arrange for an investigation to take place.

3.2.7 If a matter initially appears to be neither complex nor serious (such that the investigation was commenced by the line manager) but in the course of the investigation it becomes clear that the matter may be complex or serious, the investigation should be transferred to HR who will arrange for an investigation to take place.

3.2.8 Where a matter is referred or transferred by the line manager to HR for investigation, the entire file on the matter should be sent to HR including any and all evidence gathered by the line manager. This information can be used in any investigation of the matter and should, where relevant, be provided to the staff member under investigation.
General principles that apply to investigation processes:

3.2.9 As stated in Part 1, all staff must be treated in a fair and equitable manner in accordance with appropriate fair procedures, which will normally include:

- the right of a staff member to be informed of any concern about his or her conduct and to be provided with appropriate detail to allow the staff member reply in respect of that concern;
- the right to be provided with copies of all relevant documentary evidence that is being considered by the investigator, or relevant manager, except where it is inappropriate to disclose certain information taking into account all the circumstances of the case and any legal requirements (such as the requirements of the Data Protection Acts 1988 to 2003 or the Protected Disclosures Act 2014);
- the right of reply to any such concern;
- the right to be represented by a Teagasc colleague or by an official employed by a trade union holding recognition from Teagasc, or other representative as outlined above on page 3;
- the right to a fair and impartial determination of the matter after all relevant facts have been considered.

3.2.10 Furthermore

- investigations will be carried out without undue delay and where practicable will adhere to agreed timescales;
- witnesses may be interviewed;
- appropriate notes will be taken at any investigation meetings and copies of those notes (either typed or handwritten) will be provided to the staff member in good time (normally within 3-5 days) after each meeting;
- neither the staff member nor his or her representative or investigator may record meetings on an audio, visual or other recording device except where (and as) agreed in advance with all parties.
- a staff member will always be made aware where meetings are being recorded on an audio, visual or other recording device and data will be held in compliance with the GDPR;
- it will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness or to attempt to obstruct the investigation process in any way;
- the investigator may make findings on the basis of the evidence available in the event that the staff member fails or refuses (without reasonable cause) to participate;
- appropriate confidentiality will be maintained and information will only be disclosed where it is necessary for the investigation of the concern, where it is required by law or for other legitimate reasons.

Investigation of complex or serious matters

3.2.11 In all other cases, for example where the facts are complex or where there is a possibility that serious misconduct may have occurred, the matter should be referred to HR to initiate an investigation as described in paragraph 3.2.6 above.
3.2.12 The general principles expressed at paragraph 3.2.9 will apply in all cases. In cases where the matters being investigated are complex and/or serious, the application of those principles will normally mean that the investigation will be more formal and will be governed by clear terms of reference. These should set out:

- that the investigation is being carried out under the auspices of the Disciplinary Code, and may, where appropriate, lead to disciplinary action;
- the matters that are to be investigated;
- the timescale for the investigation;
- the findings that can be made;
- the identity of the person(s) to whom the investigation report is to be sent.

3.2.13 On completion of the investigation, the investigator(s) will come to a conclusion based on the balance of probabilities and will submit a written report of the findings to the person identified in the terms of reference for that purpose.

3.2.14 The staff member under investigation will be given a complete copy of the investigation report except where it is inappropriate to disclose certain information taking into account all the circumstance of the case and any legal requirements (such as the requirements of the Data Protection Acts 1998 to 2003 or the Protected Disclosures Act 2014). Where any part of the investigation report is redacted or otherwise withheld from the staff member, the staff member will be informed of this fact and of the reason or reasons for the redaction or withholding of information.

3.2.15 The relevant manager, having considered the investigation report, may convene a disciplinary meeting in the manner described in this Code.

**Protective Measures**

3.2.16 Pending the outcome of the investigation and any subsequent disciplinary process, management* may take appropriate protective measures. Protective measures should only be taken after consideration of the necessity of those measures. Such measures are not disciplinary actions, nor are they an indication of wrongdoing. Protective measures may include:

- Reassigning the staff member to other duties;
- Providing an appropriate level of supervision or oversight to the staff member; or
- Placing the staff member off duty with pay.

The relevant manager should inform the staff member of the protective measures and summarise the reason for the measures. The relevant manager should consider the matter in light of any response provided by the staff member or his or her representative.

3.2.17 Placing the staff member off duty with pay will normally be reserved for cases of alleged serious misconduct.

* Section 3 of the Civil Service Regulation Acts 1956 - 2006 provides for the Suspending Authority.
3.3.1 The purpose of the disciplinary meeting will be to put any concerns (including, where appropriate, any investigation report) to the staff member and allow the staff member to respond.

3.3.2 The staff member is entitled to receive reasonable notice of a disciplinary meeting (normally 3 - 5 working days’ notice in advance of the meeting) and where a staff member has elected to have their recognised union official present, the meeting date should be agreed in advance with the union official/representative concerned.

3.3.3 A copy of this Code should be sent to the staff member along with notice of the disciplinary meeting.

3.3.4 The notice of the disciplinary meeting should state:
- the purpose of the disciplinary meeting with a clear statement of the matter(s) which is/are the subject of the disciplinary meeting;
- that it is necessary to comply with this Code and attend the meeting;
- that the staff member has a right to be represented by a Teagasc colleague or by an official employed by a trade union holding recognition from Teagasc;
- that the relevant manager may make a decision on the basis of the evidence available in the event that the staff member fails or refuses (without reasonable cause) to participate and may draw an adverse inference from such non-participation;
- that the outcome of the disciplinary meeting may be disciplinary action.

3.3.5 All relevant evidence should be provided to the staff member in reasonable time in advance of the disciplinary meeting. If the disciplinary meeting was preceded by a separate investigation, it will not be necessary to duplicate evidence which has already been provided to the staff member during that investigation or as part of the investigation report.

3.3.6 The relevant manager should consider the report of any separate investigation and any findings made in respect of the staff member before proceeding to a disciplinary meeting. In the event that the investigation in question was not under Step 2, but was under a separate workplace investigation process, the relevant manager will normally be entitled to take such findings into account as part of the disciplinary process. However, the relevant manager should consider whether adequate fair procedures (consistent with the general principles set out in paragraph 3.2.9) were provided to the staff member during any separate investigation process and before those findings were made. As part of this consideration, the relevant manager should allow the staff member comment on the investigation report prior to the disciplinary meeting and should consider such comments if they are provided.

3.3.7 If the relevant manager is not satisfied that adequate fair procedures were provided to the staff member before those findings were made then the relevant manager may decide to undertake a separate investigation under Step 2 before any decision is made to arrange a disciplinary meeting, or may determine that a fact finding exercise will take place as part of the disciplinary meeting (as suggested in paragraph 3.2.3).
3.4.1 The disciplinary meeting (or meetings) will be conducted by the relevant manager.

3.4.2 As stated at Step 2, where the facts are not complex and where the suspected misconduct is not serious, an investigation may take place as part of a disciplinary meeting. In such cases, the relevant manager will:
- establish the facts as part of the disciplinary meeting;
- determine if misconduct has occurred; and
- decide on the outcome of the meeting.

3.4.3 If there has been a prior investigation, whether under Step 2 or under a separate workplace investigation (for example under the Dignity at Work Policy), it will not be generally necessary to establish the facts again at the disciplinary meeting, subject to the requirements of paragraphs 3.3.6 and 3.3.7. In such cases, the relevant manager will:
- determine if misconduct has occurred; and
- decide on the outcome of the meeting.

3.4.4 The staff member will be given an opportunity to respond to any concerns raised at the meeting (including, where appropriate, the opportunity to respond to any investigation report) and to answer appropriate questions.

3.4.5 Appropriate notes will be taken at all disciplinary meetings and copies of those notes (either typed or handwritten) will be provided to the staff member in good time (normally 3 - 5 days) after each meeting.

3.4.6 Neither the staff member, nor his or her representative, nor the manager, will be allowed to record meetings on audio, visual or other recording device except where (and as) agreed in advance by all parties. Reference 3.2.10 above.

3.4.7 Where a staff member fails to attend a disciplinary meeting (without reasonable cause) or fails to answer questions or otherwise cooperate with the conduct of the meeting (without reasonable cause) then the relevant manager may make a decision on the basis of the evidence available and may draw an adverse inference from such non-participation.
3.5.1 It is important to ensure that decisions are fair and consistent and that the facts of each case are considered carefully. If establishing the facts, the relevant manager is required to consider whether, on the balance of probabilities, the concern about the staff member’s conduct is proved, whether this amounts to misconduct and, if so, the appropriate outcome.

3.5.2 A decision on the outcome will be made by the relevant manager. The following outcomes are possible:

- A finding that no misconduct occurred;
- A finding that further investigation is required to ensure all facts are being considered, in which case the relevant manager will make appropriate arrangements for such further investigation;
- A finding that misconduct occurred but no disciplinary action will be taken in respect of this instance of misconduct;
- A finding that disciplinary action is appropriate, in which case one of the actions specified in Table A will be taken or recommended, in line with Step 6 below.

3.5.3 The relevant manager should notify the staff member of the outcome of the disciplinary meeting and the reasons for the decision that has been reached.
3.6.1 **Factors to consider in deciding what disciplinary action is appropriate**

The disciplinary actions that can be taken (up to and including dismissal), and the decision maker who can take the respective actions, are set out in Table A below. The following should be taken into account when reaching a decision on what disciplinary action is appropriate:

- the nature and seriousness of the misconduct;
- any active disciplinary warnings issued to the staff member;
- the explanation provided by the staff member;
- any mitigating circumstances presented by the staff member; and
- any other matters which, in all the circumstances, are relevant.

A relevant manager may consider prior misconduct where such misconduct is relevant and such consideration is reasonable and appropriate in the circumstances of the case.

3.6.2 **Management of discipline in a progressive manner**

The disciplinary procedure will often be operated on a **progressive basis**, i.e. moving through the process of discipline and escalating the level of disciplinary actions, from written warnings up to and including dismissal, in a reasonable timeframe if conduct does not improve to the required level. The primary consideration when establishing timeframes for improvement in conduct is that they are reasonable in the circumstances. This approach is particularly appropriate where the objective is behavioural change and/or performance improvement. However, a progressive approach may also be applied to cases which involve misconduct.

3.6.3 **Serious misconduct**

Serious misconduct may justify more serious disciplinary action up to and including dismissal even where no earlier warning has issued or where earlier warnings have become inactive.
### Table A: Range of disciplinary actions and decision-maker

<table>
<thead>
<tr>
<th>Sanctions</th>
<th>Relevant Manager</th>
<th><strong>Appropriate Authority</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Level 1 Verbal Warning</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>2 Level 2 Written Warning</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>3 Level 3 Final Written Warning</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>4 Extension of the period of validity of a warning</td>
<td>●</td>
<td></td>
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<tr>
<td>5 Deferral of an increment</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>6 Debarment from competitions or promotions for a specified period of time</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>7 Withdrawal of concessions</td>
<td>●</td>
<td></td>
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<tr>
<td>8 Reassignment to a different location or different duties</td>
<td>●</td>
<td></td>
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<tr>
<td>9 Withdrawal of allowances</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>10 Placing the staff member on a lower rate of remuneration (including the withholding of an increment)</td>
<td>●</td>
<td></td>
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<tr>
<td>11 Reducing the staff member to a specified lower grade or rank</td>
<td>●</td>
<td></td>
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<tr>
<td>12 Suspending the staff member without pay</td>
<td>●</td>
<td></td>
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<tr>
<td>13 Dismissal</td>
<td>●</td>
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</tbody>
</table>

NB:*Appropriate Authority* refers to the Director of Teagasc, in consultation with Human Resources.

3.6.4 **Written warnings (action 1-3 in Table A)**

- **Level One Verbal Warning:** normally applied for a first incident or minor breaches of discipline and conveyed in writing. If there is repetition of misconduct, or if there is no immediate, sustained and satisfactory improvement, then further disciplinary action and a *level two written warning* may be appropriate.

- **Level Two Written Warning:** normally applied if the misconduct is of a serious nature, where there has been a repetition of misconduct, or where a *level one verbal warning* has not resulted in an immediate, sustained and satisfactory improvement in behaviour. If there is repetition of misconduct, or if there is no immediate, sustained and satisfactory improvement, then further disciplinary action and a *level three final written warning* may be appropriate.

- **Level Three Final Written Warning:** a *level three final written warning* may be considered where the misconduct is considered to be more serious in nature, or where there has been a continuation of behaviour which has led to previous warnings. If there is repetition of misconduct, or if there is no immediate, sustained and satisfactory improvement, then further disciplinary action up to and including dismissal may be appropriate.
While it is likely that many disciplinary matters will be dealt with in the progressive manner outlined above relevant managers are not prohibited from issuing a level two or level three written warning for a first offence where the misconduct is sufficiently serious.

In some cases a written warning may be combined with another type of disciplinary action, e.g. deferral of an increment or debarment from competition for a specified period of time.

3.6.5 Other disciplinary actions up to, and including, dismissal (actions 4-13 in Table A)
Other disciplinary actions up to, and including dismissal may be considered appropriate for cases involving serious misconduct, or where previous warnings have not produced the required improvement in standards or behaviour.

3.6.6 Warnings active for the following periods
Written warnings will be kept on an individual’s file and, subsequent to satisfactory improvement will become inactive after the timeframes set out below:

- Level One Verbal Warning – 6 months
- Level Two Written Warning – 12 months
- Level Three Final Written Warning – 24 months

3.6.7 Taking any of the disciplinary actions identified at 1-8 in Table A
Where the relevant manager has decided that any of the disciplinary actions identified at 1-8 in Table A is/are appropriate s/he may proceed to take that disciplinary action. The staff member should be informed of the disciplinary action being taken and the reasons for the decision. If a warning is issued then the staff member should be informed of the period of validity of the warning, the improvement required, the timescale for improvement, the consequences of failure to improve and the right to appeal the decision in accordance with the appeal section of the disciplinary procedure.

3.6.8 Taking any of the disciplinary actions identified at 9-13 in Table A: the Relevant Manager’s Report
The ability to take more serious disciplinary actions (listed at 9-13 in Table A above) rests with the Appropriate Authority in each organisation (i.e. the Director of Teagasc, having consulted with HR). S/he will normally only take such action where:

- A relevant manager has, after following the appropriate steps set out in this Part of the Policy, formed a view that more serious disciplinary action is appropriate (i.e. any of the actions identified at 9-13 in Table A) and
- A relevant manager has recommended the taking of serious disciplinary action to the Director of Teagasc.

A recommendation from a Relevant Manager to the Director of Teagasc that serious disciplinary action should be taken will be contained in a report, called “the Relevant Manager’s Report”.

- The Director of Teagasc should consider the Relevant Manager’s Report before taking any of these disciplinary actions. The Relevant Manager’s Report should outline the recommended course of action, and should describe in an appropriate level of detail all the circumstances of the matter that are relevant to his or her recommendation.
- A copy of the Relevant Manager’s Report should be sent to the staff member, who may either:
  - Make a submission to the Director of Teagasc within 10 working days of the ending to him or her of the Relevant Manager’s Report; or
  - Lodge an appeal against the Relevant Manager’s Report with the Disciplinary Appeals Board in accordance with the timelines as set out in the Appeals structure in Section 4.5
- If the staff member does not lodge an appeal the Director of Teagasc should consider the matter, in particular, the Relevant Manager’s Report, and the staff member’s submission (if any) and make a decision as to whether, and if so what, disciplinary action should be taken. Any action taken by the Director of Teagasc will be final.
- The Director of Teagasc should convey his/her decision to the staff member and the relevant manager together with the reasons for that decision.

3.6.9 **Disciplinary appeals**

Any action taken by a relevant manager, and any recommendation made in a Relevant Manager’s Report to the Director of Teagasc, may be appealed by the staff member in accordance with the appeals process, set out in Part 4 of this Code.
Appeals structure
Staff members have a right to appeal any of the disciplinary actions listed from 1 - 13 in Table B below. The identity of persons to whom appeals can be made under this Code is set out in Appendix B of this Code.

Table B

<table>
<thead>
<tr>
<th>Sanction</th>
<th>Internal Appeal</th>
<th>Disciplinary Appeals Board</th>
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<tbody>
<tr>
<td>1 Level 1 Verbal Warning</td>
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</table>

4.2 Grounds for appeal
A staff member may lodge an appeal on one or more of the following grounds, providing specific details of each ground relied upon:
- the provisions of this Code were not adhered to;
- all the relevant facts were not ascertained;
- all the relevant facts were not considered, or not considered in a reasonable manner;
- the staff member was not afforded a reasonable opportunity to answer any allegation, suspicion or other concern arising about him or her;
- the staff member could not reasonably have been expected to have understood that the behaviour alleged would attract disciplinary action;
- the disciplinary action (or, as the case by be, the recommendation in the Relevant Manager's Report) was disproportionate to the misconduct alleged.
4.3 Where to make an appeal

- The notice of the disciplinary sanction (or, as the case may be, a decision of an Internal Appeals Officer) may specify the appropriate person to whom an appeal should be lodged.

- **How to make an appeal**
  
  A staff member may request an appeal following a decision of a relevant manager to take any of the disciplinary actions 1-8 or a recommendation of a relevant manager that the Appropriate Authority take any of the disciplinary actions 9-13.
  
  In the case of a decision to take any of the disciplinary actions 2-8, an appeal shall be made to an Internal Appeals Officer.
  
  The appeal should specify, in writing, the grounds on which the appeal is being made, providing specific details of each ground relied upon.
  
  The information should be submitted to the Internal Appeals Officer, Head of Human Resources in accordance with the timelines listed in Section 4.5.

4.4 How to make an appeal

A staff member may request an appeal following a decision of a relevant manager to take any of the disciplinary actions 1-8 or a recommendation of a relevant manager that the Appropriate Authority take any of the disciplinary actions 9-13.

- In the case of a decision to take any of the disciplinary actions 2-8, an appeal shall be made to an Internal Appeals Officer.

- The appeal should specify, in writing, the grounds on which the appeal is being made, providing specific details of each ground relied upon.

- The information should be submitted to the Internal Appeals Officer, Head of Human Resources in accordance with the timelines listed in Section 4.5.

4.5 Timeframes for lodging an appeal

**Internal Appeal (Sanctions 1-8)**

- Notification of the intention to appeal the disciplinary actions at 1-8 (Table B) must be made to the Internal Appeals Officer, and copied to the relevant manager, in writing no later than five working days from the date of notification of the disciplinary action.

- All documentation relevant to the appeal should be submitted to the Internal Appeals Officer, and copied to the relevant manager, in writing not later than seven working days from the date of the notification of the intention to appeal.

**Disciplinary Appeals Board (Sanctions 9-13)**

- Notification of an appeal of any of the disciplinary actions at 9-13 (Table B) must be made to the Head of Human Resources, and copied to the relevant manager, in writing no later than five working days after the sending of the Relevant Manager’s Report.

- All documentation relevant to the appeal should be submitted to the Head of Human Resources, and copied to the relevant manager, in writing no later than ten working days from the date of notification of the intention to appeal.

- A counterstatement by the relevant manager should be submitted to the Head of Human Resources, and copied to the staff member in writing no later than 10 working days from receipt by the relevant manager of all documentation relevant to the appeal.

4.6 Outcome of the Appeal Process

The outcome of the appeal process shall be one of the following:

- Appeal unsuccessful – uphold the disciplinary action;
- Appeal successful – determine that no disciplinary action shall be taken;
- Appeal partially successful – take another, more suitable, disciplinary action, except that the recommendation shall not include reassignment of the staff member to another location or other duties;
- Appeal identifies the need for the case to be reconsidered by the relevant manager to remedy a specified deficiency in the disciplinary proceedings.

The outcome of an appeal to the Disciplinary Appeals Board Process (Sanctions 9-13) will be a recommendation to the Director of Teagasc. Ordinarily, it is expected that the recommendation of the Disciplinary Appeals Board will be taken into account.
4.7 Effect of disciplinary actions that have been appealed

- For Sanctions 1 – 8 the decision of the Internal Appeals Officer shall, subject to section 4.8 below, be final.
- For Sanctions 9 -13 the decision of the Director of Teagasc, following consideration of the Relevant Manager’s report together with the recommendations of the Disciplinary Appeals Board, if any, shall be final.
- Written warnings will take effect immediately following the decision of the relevant manager.
- All other types of disciplinary action will take effect at one of the following points in time, as appropriate:
  - The date of expiration of the timeframe to lodge an appeal to an Internal Appeals Officer without any such appeal being made or
  - Where an appeal to an Internal Appeals Officer is made, the date of the decision of the Internal Appeals Officer.

4.8 Further matters relating to appeals

- Nothing in this Code affects the right of a staff member to take a complaint to the Director General of the Workplace Relations Commission for investigation. Further information can be obtained from the HR Department.
APPENDIX A – Examples of misconduct and serious misconduct

These examples are for illustrative purposes and are not an exhaustive list. Examples that are listed as misconduct issues can also be classified as serious misconduct and examples that are listed as serious misconduct may, in certain circumstances, be classified as misconduct.

1 Misconduct
Misconduct is conduct that is considered to be unacceptable or inappropriate in the workplace. It is behaviour that falls below acceptable standards, but which is not considered to be serious misconduct. Misconduct can be a single act, or a series of acts. What constitutes misconduct may vary depending on the particular circumstances of the work that the staff member is carrying out.

The following examples of behaviour, which are non-exhaustive, may lead to disciplinary action and, if repeated, may progress through the stages of the Code and lead to dismissal. More serious instances of the following types of misconduct may amount to serious misconduct.

- Poor timekeeping;
- Unsatisfactory attendance record or unauthorised absences;
- Poor work performance;
- Behaviour which could bring the organisation into disrepute, subject to the provisions of the Protected Disclosures Act 2014;
- Inappropriate use of social media.

Misconduct can include inappropriate behaviour outside the workplace which has an impact or could reasonably be likely to have an impact within the workplace.

2 Serious Misconduct
Serious misconduct is misconduct which is sufficiently serious to warrant dismissal or other serious sanction. It is a serious breach of the Teagasc rules and procedures, or of recognised and accepted standards and behaviour which results in a breakdown of the relationship of trust and confidence between Teagasc and the staff member.

Examples of serious misconduct include, but are not limited to:

- More serious and/or ongoing instances of the types of misconduct listed above;
- A breach of trust and confidence;
- Theft, fraud, irregularity, embezzlement, misappropriation of funds, bribery or corruption, data protection/GDPR breaches, lack of due care for Teagasc resources;
- Failure to comply with Teagasc Policies, Codes of Practice, Circulars etc.;
- Refusal to comply with reasonable management instructions (If a staff member is not agreement with the instruction, they have the right to work under protest);
- Deliberate falsification of records (expense claims, experimental results, attendance records etc.), violation or misuse of confidential information or organisational property, material or equipment;
- Deliberate computer hacking to gain entry/access to computer files and/or unauthorised access/use to hard-copy records/files;
- Non-adherence to organisation's e-mail, internet, IT, telephone policy;
- Serious breaches of health and safety rules, assault on another person in the course of employment;
Reporting to or attending at work while being under the influence of alcohol, illegal drugs, or legal medication which have been used otherwise than further to a prescription; possession and/or sale or use of illegal drugs;
- Disruptive behaviour;
- Discrimination, bullying, harassment, sexual harassment;
- Victimisation or penalisation;
- Misrepresentation or misuse of authority;
- Serious unauthorised absence;
- Serious non-compliance with sick leave regulations;
- Engaging in prohibited activities;
- Failure to disclose conflicts of interest;
- Improper influence to make personal/family gain or acceptance of improper gifts/hospitality;
- Engaging in political activity contrary to Teagasc rules;
- Disrespect for the law, e.g. illegal activity /criminal conviction that has implications for the staff member’s employment whether it relates to an alleged wrong inside or outside the employment;
- Bringing Teagasc into disrepute, subject to the provisions of the Protected Disclosures Act 2014.

Serious misconduct can also include inappropriate behaviour outside the workplace which has an impact or could reasonably be likely to have an impact within the workplace.
APPENDIX B

Identity of persons to whom appeals may be made further to this Code

Internal Appeals Officers

- An Internal Appeals Officer shall be a manager of a grade not less senior than the grade of the relevant manager who made the decision to take the disciplinary action in question.
- An Internal Appeals Officer should be a manager of a grade more senior than the grade of the relevant manager who made the decision to take the disciplinary action in question.
- An Internal Appeals Officer will be a manager within Teagasc.
- A manager may be appointed to act as an Internal Appeals Officer in relation to a single appeal by an individual staff member or may be appointed to act in respect of a grade, group or category of staff members.

Disciplinary Appeals Board

The Disciplinary Appeals Board (the Board) shall comprise.

i. a Chairperson or Chairpersons appointed by the Director of Teagasc with the agreement of the relevant trade union;

ii. a panel of serving (or former) Teagasc staff nominated by the Director of Teagasc, as are considered by the Director of Teagasc to be necessary for the proper conduct of the Board’s business; and

iii. a panel of serving (or former) Teagasc staff or whole-time officials of recognised trade unions nominated by the Group of Unions and appointed by the Director of Teagasc.

A Secretary to the Board will be appointed. The Secretary will be responsible for the management of the work of the Board on the advice and instruction of the Chairperson of the Board.

The composition of a Board shall be the Chairperson (or a Deputy Chairperson), a member of the panel appointed by the Director of Teagasc and a member of the panel appointed by the Director of Teagasc on the nomination of the Group of Unions. The allocation of appeals to different compositions of the Board shall be a matter for determination by the Chairperson in consultation with the Director of Teagasc.

No member shall be appointed to the Board to consider a case referred to the Board who has had any prior interest in or dealings with that particular case.
4.4 Email Usage Policy

Overview
Email is an efficient communication system which enables the sending and receiving of messages between staff and between Teagasc and its clients. However risks are attached to the use of emails. They are:

- Standard emails are the electronic equivalent of postcards. The contents of an email can potentially be viewed en-route to their destination. Sensitive or confidential information if disclosed could be damaging to Teagasc.
- Please refer to the Information Classification guideline on the ICT page of the T-Net for further information.
- Email may be delivered to the wrong person if not addressed properly.
- It is possible to forge the sender of an email so email should not be accepted as sole proof of the sender’s identity.
- Email messages can carry computer viruses which are particularly dangerous to Teagasc’s computer operations generally.
- Letters, files and other documents attached to emails may belong to others and there may be copyright implications in sending or receiving them without permission.
- Email messages written in haste or written carelessly could give rise to legal liability on Teagasc’s part such as claims for defamation, etc.
- An email message may legally bind Teagasc contractually in certain instances without the proper authority being obtained internally.
- It should be remembered that all personal data contained in emails may be accessible under Data Protection legislation and, further, as is the case with ordinary letters, a substantial portion of emails to Government and other public bodies may be accessible under Freedom of Information legislation.

Purpose
This policy applies to all Teagasc staff, to persons working on a contract basis for Teagasc, to all students, fellowship holders, seconded staff and external contractors and all other users who access the Teagasc network resources or who are connected to the Teagasc network at any location. It also covers remote Teagasc users who work with Teagasc supplied computers or who work on Teagasc related files.

Scope
This policy applies to all Teagasc staff, to persons working on a contract basis for Teagasc, to all students, fellowship holders, seconded staff and all other users of the Teagasc Email facilities including owners of shared/administration mailboxes.

Ownership statement
Teagasc retain ownership of all emails transmitted through the email system on behalf of the organisation. Teagasc scan every email message that passes through it’s servers to check for computer viruses, worms, or other executable items that could pose a threat to the security of the network. Infected emails are not delivered to the user. Service Desk has procedures in place for handling infected email messages.

A copy of everything, including e-mail messages, is retained on Teagasc’s servers. The content therefore becomes the responsibility of Teagasc, who would subsequently be liable, in the event of litigation over copyright or propagation of
inappropriate material. In this regard, a disclaimer will be attached to all e-mail messages which are issued from Teagasc.

The text of the disclaimer is as follows:

“The information contained in this email and in any attachments is confidential and is designated solely for the attention and use of the intended recipient(s). This information may be subject to legal and professional privilege including intellectual property rights. If you are not an intended recipient of this email, you must not use, disclose, copy, distribute or retain this message or any part of it. If you have received this email in error, please notify the sender immediately and delete all copies of this email from your computer system(s). Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of Teagasc.”

**Personal use statement**

Email facilities may not be used for personal use during normal office hours. However, the facilities may be used for personal reasons outside of normal working times, on condition that such use is in line with this policy. The use of the Teagasc email service for personal use is a privilege and should not be abused.

**Privacy expectation statement**

Teagasc reserves the right to monitor all email through the Teagasc email facility as required, including deleted items and to sanction users should an abuse of the service be observed.

**Unacceptable use of Email facilities includes, but is not limited to:**

Email must **not** be used:
- to knowingly compromise or embarrass Teagasc or the Authority
- to contravene any Irish or international law
- to infringe Teagasc or third party copyright or intellectual property rights or otherwise compromise proprietary, commercial or sensitive information.
- to transmit or receive any obscene, pornographic, threatening, hateful, racially harassing or other objectionable material.
- to solicit business for personal gain or profit. For example, to broadcast emails to promote personal causes; no matter how worthy, or to advertise or sell personal items is not considered in this policy to be reasonable personal use.
- to represent personal opinion as being that of Teagasc.
- to enter into contracts on behalf of Teagasc unless you have the express authority to do so e.g. financial transactions.
- to respond to unsolicited emails (spam) such as emails purporting to contain special offers or unknown prizes
- to send chain mail or jokes
- to disrupt the Teagasc email facility. This may include sending very large attachments. Currently email larger that 10MB will not be sent.
- to send email from another email account unless expressly permitted
- to modify or forge email header information.
- to forward or disseminate virus warnings received from external parties via email. Always notify the ICT Service Desk of such warnings. Virus warning emails should **only** be circulated within Teagasc by the ICT Department
- to automatically forward emails to external non-Teagasc email addresses, such as a hotmail or gmail accounts, as this can lead to sensitive internal
If you receive any offensive, unpleasant, harassing or intimidating messages via email you are requested to inform your manager or the Service Desk immediately. It is important that such emails are traced as quickly as possible. Where sensitive or confidential information is to be emailed, encrypt the email where possible or consider other methods of transmission. Contact Service Desk for advice.

**Enforcement**

Breaches of this policy may lead to the withdrawal of the ICT service and may result in disciplinary procedures being invoked. Teagasc must be in a position to show that it has taken all reasonable steps to prevent illegal activities associated with Email usage. Those who transmit information via email must ensure that the material does not risk criminal prosecution or civil legal action, or that material, even if legal, is appropriate for transmission by a Teagasc employee. The list of unacceptable uses above is issued to ensure that users of the Teagasc e-mail facility comply with Acts such as:

- **Criminal Justice (Theft and Fraud Offences Act) Act 2001**
- **Child Trafficking and Pornography Act 1998 & Amendment Act 2004**
- **Copyright and Related Rights Act 2000 & Amendment Act 2004**
- **Criminal Damages Act 1991**
- **Data Protection Act 1988 & Amendment Act 2003**
- **E-Commerce Act 2000**
- **Prohibition of Incitement to Hatred Act 1989**

Please note: Staff members must familiarise themselves with and adhere to all ICT security policies. Policies can be viewed on the ICT section of the T-net site.
4.5 Internet/Intranet Usage Policy

Overview
Any PC connected to the Internet is potentially available to every other computer attached to the Internet. This can leave Teagasc's networks and data open to unauthorised access (hacking) from other Internet users. To prevent such a breach of security and/or malicious damage, systems are in place to protect Teagasc's infrastructure and data. Nevertheless, access to the Internet always poses a security risk. Staff members must play their part in reducing this risk.

Purpose
The purpose of this policy is to inform users of the Teagasc Internet facility of their obligations to use it responsibly. This policy exists to protect all users of the Internet facility, the good name of Teagasc, and to protect the security and integrity of the Teagasc computer network and the information contained within it from specific threats from Internet usage.

Scope
This policy applies to all Teagasc staff, to persons working on a contract basis for Teagasc, to all students, fellowship holders, seconded staff and external contractors and all other users who access the Teagasc network resources or who are connected to the Teagasc network at any location. It also covers remote Teagasc users who work with Teagasc supplied computers or who work on Teagasc related files.

Policy
Users should be aware that when accessing the Internet they do so at their own risk and that while Teagasc have implemented monitoring and filtering on the Internet connection, they cannot be held responsible for material downloaded or viewed by users of the Teagasc Internet facility. Users should also be aware that Teagasc may be requested to provide details of internet access logs under the Freedom of Information Act.

Personal use statement
Internet facilities may not be used for non-work related purposes during official working hours. However, the facilities may be used for personal reasons outside of normal working times, on condition that such use is in line with this policy. The use of the Teagasc Internet facility for personal use is a privilege and should not be abused.

Privacy expectation statement
Teagasc reserve the right to monitor and log all Internet activity and to sanction users should an abuse be observed or logged. Teagasc currently employ Internet filtering to specifically block access to certain web sites and Teagasc reserve the right to block sites that are deemed inappropriate without prior notice. Teagasc also scan for malicious content and reserves the right to block content if it is deemed to pose a risk.
User Responsibilities

The following outlines the principles to be adopted by users of the Teagasc Internet facility and are to be considered mandatory:

- Staff are reminded that much information available on the Internet is inaccurate and has not been subjected to normal validation procedures. It is not suitable for distribution by Teagasc staff without appropriate evaluation.
- Use only browser software approved by the ICT department.
- No attempt should be made to bypass or disable Teagasc protective measures.
- Use of social media sites should be in line with the Teagasc Social Media Policy and Guidelines which are available on the PR Department site.

In addition users are prohibited from using the Internet facility:

- to knowingly compromise or embarrass Teagasc or the Authority
- to contravene any Irish or international law
- to infringe Teagasc or third party copyright or intellectual property rights or otherwise compromise proprietary, commercial or sensitive information
- to transfer confidential Teagasc information unless previously approved under a Data Transfer Agreement and with the appropriate protective measures in place. For further information refer to the Information Classification Guidelines on the ICT page of the T-Net.
- to visit Internet sites that contain obscene, pornographic, threatening, hateful, racially harassing or other objectionable material
- to transmit or receive such material
- to solicit business for personal gain or profit
- to subscribe to electronic services or other contracts on behalf of Teagasc unless you have the express authority to do so
- to cause Teagasc to incur financial liability, e.g. for software licensing, music or video rights
- to represent personal opinion as being that of Teagasc on any website
- to propagate any virus or malicious software
- to disable or overload any computer system or network
- to hack into or otherwise circumvent the security or privacy of another system
- to download unauthorised software programs
- to upload, download or distribute software or data in contravention of any Irish or international law or in contravention of software vendors’ license agreements
- to download entertainment software or to play games.

In the unlikely event that an Internet user inadvertently accesses an inappropriate Internet site they should exit the site immediately and notify the Service Desk with the details of the connection.

Enforcement

Breaches of this policy may lead to the withdrawal of the ICT service and may result in disciplinary procedures being invoked.

Teagasc must be in a position to show that it has taken all reasonable steps to prevent illegal activities associated with Internet usage. Those who use the Internet / Intranet facility must ensure that they do so in a manner that does not risk criminal prosecution or civil legal action, or that material, even if legal, is appropriate for transmission by a Teagasc employee.
The list of user responsibilities above is issued to ensure that users of the Teagasc e-mail facility comply with Acts such as:

- Criminal Justice (Theft and Fraud Offences Act) Act 2001
- Copyright and Related Rights Act 2000 & Amendment Act 2004
- Safety, health and Welfare at Work Act 2005
- Criminal Damages Act 1991
- Data Protection Act 1988 & Amendment Act 2003
- E-Commerce Act 2000
- Prohibition of Incitement to Hatred Act 1989

Please note: Staff members must familiarise themselves with and adhere to all ICT security policies. Policies can be viewed on the ICT section of the T-net site.
4.6 Mobile & Landline Usage Policy

Mobile Phones
Teagasc mobile phones will only be provided to staff members where there is an obvious necessity to have one associated with their role and responsibilities with the organisation.

The mobile phone bills are received in the first week of every month at the staff members location. On receipt of these they are forwarded to the user. The user is required to indicate the amount of personal calls contained in the bill. They will be responsible for the payment of such calls.

Landline Phones
A telephone is considered to be a Teagasc resource and is intended to be used for Teagasc business purposes. Telephones should not normally be used for non-work related purposes during office hours, except in exceptional circumstances.

Where possible staff should use VPN/direct dial options when making calls within Teagasc in order to reduce the amount of calls to the main switch and also to lower costs. In addition, all voice mails should be activated and updated when the staff member is out of the office or on annual leave.
4.7 Freedom of Information

Teagasc came into the Freedom of Information (FOI) net on 1st November 2002. Freedom of Information is governed by the Freedom of Information (FOI) Act 2014 which repealed the 1997 and 2003 Acts. The Freedom of Information Act gives rights to the individual that can be summarised as:

- The right to obtain records held by a body to which FOI legislation applies
- The right to obtain reasons for decisions affecting oneself
- The right to have official information relating to oneself amended where it is incorrect, incomplete or misleading

FOI is designed to allow access to information held by public bodies which is not routinely available. Access to information is subject to certain exemptions. Access to personal information is free of charge (and is available only to the person to whom it is personal) while all other requests are subject to an “up-front” fee as well as document search and retrieval fees.

There are specific procedures to be followed in making an FOI inquiry. Applications may be made by e-mail or in writing to the FOI Officer, Ballinamore Road, Mohill, Co. Leitrim, stating the request is for information under the FOI Act 2014.

The information required should be clearly specified. An application form is available on the T-net for submitting FOI requests. Teagasc must acknowledge the request within 10 working days and give a decision on the request within 20 working days of receiving the request. There is an appeal process in place which can be invoked at the requestor’s discretion.

The work of any member of Teagasc staff can be the subject of a Freedom of Information request at any time. This has implications for record keeping for every staff member. All activities of the organisation e.g. tenders, purchases, client files, resource management, animal welfare, research and education records may be sought.
4.8 Customer Charter

Teagasc Customer Charter

This Customer Charter outlines our commitments to our external customers regarding the level of service we aim to provide across our organisation.

Commitments to our Customers

In providing services we will ensure:

- Customer requests are responded to promptly in a helpful and courteous manner.
- Customers are treated fairly, in a professional and ethical manner.
- Customer information is treated confidentially and in line with data protection legislation.
- Information about our services and your entitlement to these services is easily accessible.

In providing information, we will ensure:

- Technical information is presented to you in a format easy to understand.
- Our website is up to date with clear and accurate information and is easy to access and navigate.
- Quality and consistency in the delivery of information to you.

In arranging events, we will ensure:

- You are notified a minimum of three days in advance.
- Event locations are well signposted (where required) and events start punctually.

We will strive to ensure our facilities are:

- Clean, comfortable and comply with health and safety and accessibility regulations.

In our contact through office visits or farm visits we will:

- Keep our appointments with you or inform you of possible delays.

To maintain the high quality of our services and research, we will:

Consult with stakeholders to ensure our services remain relevant to industry needs.
Undertake international peer review of our research services on a regular basis.
Promote publication of research results in international peer reviewed journals.

What to expect when you contact us

By telephone

We will be available to answer your calls during normal office hours. You can expect to be met with courtesy and a helpful manner and will be listened to with respect. If the staff member requested is not available, we will connect you with another person who can help, or take details of your query and ensure you are called back at a time that suits you.
Telephone and voice-mail enquiries will be responded to within two working days. If a definite answer to queries cannot be provided within this timeframe, you will be notified as to when you can expect a detailed reply.

By email

E-mail enquiries will be acknowledged within two working days and responded to fully within five working days.
If for any reason we cannot respond within this time, we will send you an acknowledgement, which will state when you can expect a full reply.
All our email correspondence will include relevant contact information.

In writing

We aim to respond to all written communications within five working days. If for any reason we cannot respond within this time, we will send you an acknowledgement, which will state when you can expect a full reply. Staff will include their name and full contact details on all correspondence.

Service through Irish

We will endeavour to accommodate customers who wish to deal with us through Irish.

Help Us to Help You

Customers can greatly assist us by:

- Making appointments for consultations or visits.
- Notifying us in the event of delay or cancellation.
- Treating our staff with courtesy and consideration.
- Notifying our staff member in advance of the issue for discussion thereby enabling us to prepare adequately.
- Providing information or documentation requested by our staff without delay.

Dealing with Comments and Complaints

We aim to deliver a high quality service at all times and we welcome feedback from customers on how we can improve our service. If for any reason you are not satisfied, please tell us. You have the right to complain.

Customer complaints will be treated fairly and without bias, will be promptly investigated, and if we find we have made a mistake, we will apologise and work to rectify the situation as quickly as possible.

Teagasc is committed to safeguarding the rights of the complainant and the staff member or service involved. We promise that customer complaints will not affect how we might treat you in the future.
Customer Complaints Procedure

Please tell the staff member you normally deal with that you are not satisfied. You can do this in person, on the phone or in writing. If you are not satisfied with the response you receive, you can make a written request for a local review of your complaint to the staff member’s manager. If having gone through the above complaints procedure process and you are not satisfied with how your complaint has been dealt with, please contact our Customer Services Officer on (059) 9170200, or email qcs@teagasc.ie to arrange a review of how your complaint has been dealt with by a Teagasc staff member from an unrelated area.

If a customer is not satisfied that their complaint has been resolved by the Teagasc Complaints Process, if over 18 they can write to the Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2. Telephone 00353 1 6785222, email ombudsman@ombudsman.irlgov.ie, website: www.ombudsman.ie. If under 18 they can contact the Ombudsman for Children's Office, Millennium House, 52-56 Great Strand Street, Dublin 1 Ireland. Telephone 01 8656800, email oco@oco.ie, website http://www.oco.ie.
4.9 Code of Business Ethics

Enhancing a Professional Ethos
Teagasc encourages behaviour that befits the professional ethos of all members of the organisation. Staff behaviour should be consistent with their own high standards, those of their colleagues and the organisation as a whole. Their behaviour should support the core public sector values of integrity and impartiality.

Structures and procedures are required to engender a spirit of co-operation within the organisation. Staff should use these structures and procedures and be supportive of one another in the organisation.

(a) Ethics in Public Office
The Ethics in Public Office Acts, 1995 and 2001 provide for the annual disclosure of registrable interests by holders of designated directorships and occupiers of designated positions of employment in specified Public Bodies. Its primary concern is ensuring the registration of interests of staff member where such interests could materially influence the performance of their Public Service functions.

Another important provision of the 2001 Act is the requirement to draw up codes of conduct, indicating standards of conduct and integrity for members of the public service. To fulfill this requirement, Teagasc has adopted the Civil Service Code of Standards & Behaviour. A summary of the Code of Standards & Behaviour is outlined below.

The essence of any system of ethics in the Public Service is to ensure that Government, in the broadest sense, is working only in the public interest. The objective is to demonstrate that those who are participating in public life are not seeking to derive personal advantage from the outcome of their actions. The legislation is founded on the presumption of integrity but recognises that specific measures should exist to underpin compliance.

In Teagasc, the provisions of the Ethics in Public Office Acts, 1995 and 2001 in relation to disclosure of registrable interests, apply to:
- The Chairman and Authority Members
- All positions where the maximum salary is not less than the maximum salary of a Principal (general service grade, Class B PRSI) in the Civil Service
- The Director
- And all staff who have delegated authority to authorize procurement commitments of €15,000 or greater.

Under this Act, all holders of the above mentioned staff and positions are furnished with a letter explaining the Act and requesting them to complete a Statement of Interest on an annual basis. Persons who consider they have no such registrable interests are required to complete a nil statement. Those who do have registrable interests are required to complete a Statement of Interest. These statements are returned to the Head Office and the Authority Chairman must report on our compliance with these requirements in the Teagasc annual report.

For more information on the Ethics in Public Office Acts or to download a Nil Statement or Statement of Interest form please refer to the T-net or the Standards in Public Office Commission website - http://www.sipo.gov.ie/en/
(b) Teagasc Code of Standards & Behaviour

The Ethics in Public Office Act 2001 included a requirement to draw up codes of conduct, indicating standards of conduct and integrity for members of the public service. In order to fulfil this requirement Teagasc has adopted the Civil Service Codes of Standards & Behaviour to devise the Teagasc Code of Conduct. The Chairman of Teagasc is required to furnish a Report to the Minister for Agriculture Fisheries & Food each year confirming that a Code of Standards and Behaviour has been put in place and is being adhered to by all staff and management.

The main provisions of the Code are outlined below, however all staff must familiarise themselves with the Code. Please refer to the T-Net to view the full version of the Code.

- Staff must be impartial in the performance of their duties.
- Staff must respect the constraints of the law.
- Staff must maintain high standards of service in all of their dealings with the public/clients
- Staff are required to have due regard for Teagasc resources to ensure proper, effective and efficient use of public money
- Staff must show due respect to their colleagues including their beliefs and values.
- The use of their official positions by staff to benefit themselves or others with whom they have personal or business ties is not allowed. Staff are also forbidden to seek to influence decisions on matters pertaining to their official positions other than through established procedures
- Staff may not engage in outside business or activity which would in any way conflict with the interests of Teagasc.
- Staff who occupy “designated” positions for the purposes of the Ethics in Public Office Acts have certain statutory obligations in relation to disclosure of interests. These obligations are additional to any obligations imposed by the Code.
- Staff should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgment or integrity.
- The same principle applies to any acceptance of hospitality. Within the general framework of guidelines set out in the Code, every care must be taken to ensure that (a) any acceptance of hospitality does not influence, or be seen to influence, the discharging of official functions [Section 17] and (b) that there are clear and appropriate standards in place which have been notified to all staff in relation to payment for work on behalf of outside bodies.
- Staff must not seek contracts with Teagasc for supply of goods or services whether for their own benefit or for the benefit of any company with which they may have an involvement in a private capacity.
- Staff shall not accept an appointment, or particular consultancy project, where the staff member concerned believes that the nature and terms of such appointment could lead to a conflict of interest or the perception of such, without first obtaining the approval of the Director of Administration or Director of Teagasc as appropriate. Additionally, staff who hold positions which are “designated” positions for the purposes of the Ethics in Public Office Acts must, within twelve months of resigning or retiring, obtain the approval of the Director of Administration or the Director of Teagasc as appropriate before taking up any outside appointment.
- Staff involved in research must adhere to the principles of good research at all times.
(c) Acceptance of Gifts
It is Teagasc policy not to accept benefits, gifts or hospitality of any kind from suppliers or from any third party who could potentially have a beneficial relationship with the organisation.

This is to ensure that no staff member in Teagasc can be perceived to have had their integrity or judgment compromised in any way or be seen to have been influenced in their official position within the organisation.

Where a staff member has an existing relationship with an actual supplier or any third party already connected to the organisation; it is permissible to accept small benefits, gifts or hospitality (not exceeding the value of €100 in total in any year). Where this is the case, such benefits, gifts or hospitality should be distributed equally, were possible, among all staff members associated with that relationship. Where it is not possible to distribute those benefits, gifts or hospitality equally, they should be allocated among all staff members associated with that relationship on a shared basis e.g. raffle. A small benefit, gifts or hospitality that is personalised by its nature (e.g. personal invite) to an individual staff member can only be accepted within the above limits and the staff member must seek their line manager’s approval to accept the small benefit, gifts or hospitality in these circumstances. A line manager will only grant such approval to a staff member if they are fully satisfied that it will not be perceived as influencing their official position.

No benefits, gifts or hospitality or any kind should be accepted from a supplier or any third party who may be likely to tender for Teagasc business (or renewal of existing business) in the short term or where a tender process is ongoing.
5  Hours of Work Attendance

5.1  Overtime & Time in Lieu Policy

Overtime and Time in Lieu Limitations

1.) In the case of all overtime worked, Teagasc must be satisfied that the amount or nature of work is such that extra attendance is unavoidable. In particular, attendance at work on a Saturday, Sunday or Public Holiday must be kept to a minimum at all times. Some grades of staff are entitled to payment for overtime worked while others are not. All extra attendance must be sanctioned by the relevant line manager, in advance. Where pre-approval cannot be obtained, it must be obtained as soon as possible thereafter. All extra attendance must comply with the Organisation of Working Time Act regulations which are set out in the following section (Section 5.2: Organisation of Working Time Act, 1997).

2.) If it is necessary for staff to work overtime on occasion but the regulations do not allow payment for that overtime, staff may be entitled to benefit from time in lieu. Time in lieu where applicable is given on the strict understanding that:
   (a) it is given at a flat rate, i.e. regardless of whether the extra attendance takes place on a weekend, weekday or Public Holiday, time in lieu is given on an hour for hour basis only (see exceptions to this in the case of clerical/administrative grades), and
   (b) it is taken within the calendar year in which it arises or as soon as possible in the following year subject to agreement with the line manager.
All extra attendance must be sanctioned by the relevant line manager, in advance. Time in lieu should not be carried over to a subsequent year unless there are extenuating circumstances. All extra attendance must comply with the Organisation of Working Time Act regulations which are set out in the following section (Section 5.2). Any carry-over of time in lieu in excess of 2 weeks must be authorised by the relevant Head of Directorate and it is the responsibility of line management to ensure that time in lieu is managed effectively within their area.

Entitlement to Overtime and Time in Lieu

**Technician Grades**

Career and Entry Grade Technicians:

Where overtime payment is available the following salary rules will apply in keeping with Haddington Road Agreement:

- For those on salaries (inclusive of allowances) of up to €35,000 overtime is paid at time and a half at the first point of the appropriate scale (but not less than time at any point on that scale).
- For those on salaries (inclusive of allowances) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individuals scale point
- No payment for the first 75 hours worked in a calendar year – time in lieu is given for the first 75 hours according to the limitations as set out in paragraphs 1 and 2 (above)
- Thereafter overtime to be paid in keeping with salary rules set out above.
- All weekend work is paid at double time
• All night work (between 12 midnight and 8am) is also paid at double time

Technicians grade 1, 2 and 3 (including College Technicians):

Where overtime payment is available, the following salary rules will apply in keeping with **Haddington Road Agreement**:

• For those on salaries (inclusive of allowances) of up to €35,000 overtime is paid at time and a half at the first point of the appropriate scale (but not less than time at any point on that scale).
• For those on salaries (inclusive of allowances) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individuals scale point
• Time and a half is also paid for the hours on Saturday from 8am to 12 midday, salary rules to apply
• Double time is paid for any work between 12 midnight and 8am
• Double time is paid for weekends and public holidays (excluding the hours between 8 am and 12 noon on Saturday)

All other technician grades (i.e. technologist grade, experimental officer, EO1 and PEO grades) are entitled to benefit from time in lieu according to the limitations as outlined in paragraph 2 above (overtime and time in lieu limitations).

**Note:** All overtime must be sanctioned by the relevant line manager and signed off on by the Administrative Officer before submission for payment. Time in lieu must also be sanctioned and managed effectively.

**Advisory Grades**
Advisory and training grades who participate in education courses outside of normal work hours are entitled to time in lieu for these hours subject to the limitations as outlined in paragraphs 1 and 2 above. In calculating the time spent on these courses, managers can allow for time spent traveling and setting up with an overall limit of 2 hours.

Advisory and training grades who participate in formal teaching, demonstration sessions or group discussions outside of normal work hours should refer to their Regional Manager or College Principal for guidance in relation to time in lieu. Exceptional arrangements around time in lieu for busy periods such as Single Farm Payment will be set out by the Head of Advisory Services on an annual basis.

**Note:** Any extra attendance for these grades must be sanctioned and signed off on by the relevant Regional Manager/College Principal/Head of Department. Time in lieu must also be sanctioned and managed effectively.

**Clerical/Administrative Grades**
Subject to the limitations as outlined in paragraphs 1 and 2 above, overtime may be paid (where overtime budgets are available) or time in lieu given to clerical/administrative grades subject to the following conditions:

**Grades 2 and 3**

• **Where overtime payment is available**
  o For those on salaries (inclusive of allowances) of up to €35,000 overtime is paid at time and a half at the first point of the appropriate scale (but not less than time at any point on that scale).
For those on salaries (inclusive of allowances) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individuals scale point.

- Minimum payment for overtime on Saturdays, Sundays and Public Holidays is three hours.

**Where Time in Lieu is pre-approved**

- Monday to Friday inclusive time-in-lieu will accrue at the flat rate
- Saturday (after 9.15 a.m. onwards) time-in-lieu will accrue at time and half rate
- Sunday time-in-lieu will accrue at time and half rate
- Public Holidays time-in-lieu will accrue at time and half rate

**Grade 4**

- **Where overtime payment is available**
  - For those on salaries (inclusive of allowances) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individuals scale point.
  - Overtime should be calculated for completed hours of attendance by reference to the lesser of:
    - the staff members actual scale point
    - or the sixth point of the scale
  - Overtime will not apply for the first hour worked Monday – Friday for those above the 6th point of the scale.
  - Minimum payment for overtime on Saturdays, Sundays and Public Holidays is three hours.

**Where Time-in-Lieu is pre-approved**

- Monday to Friday inclusive time-in-lieu will accrue at the flat rate
- Saturday (from 9.15 a.m. onwards) time-in-lieu will accrue at time and half rate
- Sunday time-in-lieu will accrue at time and half rate
- Public Holidays time-in-lieu will accrue at time and half rate
- Time-Off in lieu will not apply for the first hour worked for those above the 6th point of the scale.

**Grade 5**

- It is not expected that overtime would be paid or time in lieu given to staff members at this level. However, the staff member’s line manager may make an application to the Head of Directorate who may authorise payment or time in lieu to this grade in exceptional circumstances. In this case the same rules which apply to grade 4 staff members as set out above will apply.

**Grade 6 and upwards**

- No overtime or time in lieu is given to these grades for extra attendance.

**Note:** All overtime must be sanctioned by the relevant line manager. Time in lieu must also be sanctioned by the relevant line manager and managed effectively.
Farm, Domestic, Craft and Maintenance Grades
Overtime is payable to all farm, domestic, craft and maintenance staff subject to the limitations as outlined in paragraphs 1 and 2 above and subject to the following conditions:

The following salary rules will apply in keeping with the Haddington Road Agreement:

- For those on salaries (inclusive of allowances) of up to €35,000 overtime is paid at time and a half at the first point of the appropriate scale (but not less than time at any point on that scale).
- For those on salaries (inclusive of allowances) of €35,000 or greater, overtime will be paid at the rate of time and a quarter at the individuals scale point.
- Time and a half is also paid for the hours on Saturday from 8am to 12 midday salary rules to apply.
- Double time is paid for any work between 12 midnight and 8am.
- Double time is paid for weekends and public holidays (excluding the hours between 8 am and 12 Midday on Saturday).
- Any work on Good Friday is paid at flat rate.

Note: All overtime must be sanctioned by the relevant line manager and signed off by the administrative officer before submission for payment.
5.2 Organisation of Working Time Act, 1997

The Organisation of Working Time Act 1997 sets out the statutory rights for staff members in respect of rest, maximum working time and holidays.

Maximum weekly working time:
The maximum amount of hours a staff member is permitted to work in a week is 48 hours. Averaging may be balanced out over a 4, 6 or 12 month period depending on the circumstances as follows:
- For staff members generally, 4 months
- For staff members where work is subject to seasonality, a foreseeable surge in activity or where staff are directly involved in ensuring continuity of service or production, 6 months
- For staff members who enter into a collective agreement with their employer which is approved by the Labour Court, 12 months.

Night Workers:
Night time is the period between midnight and 7am the following day. Night workers are staff members who normally work at least 3 hours of their daily working time during night time and the annual number of hours worked at night equals or exceeds 50% of annual working time.

Maximum night working time:
For nightworkers generally – 48 hours per week averaged over 2 months or a longer period specified in a collective agreement that must be approved by the Labour Court. For nightworkers whose work involves special hazards or heavy physical or mental strain – an absolute limit of 8 hours in a 24 hour period during which they perform night work.

Daily Rest:
Having completed a day’s work, a staff member cannot report back to work until 11 consecutive hours have elapsed. For example, if a staff member works until 10pm, they must not report back to work again until at least 9am the following day.

Rest Breaks:
All staff are entitled to a 15 minute break where up to 4.5 hours have been worked and 30 minutes where up to 6 hours have been worked, which may include the first break. A rest break cannot be given at the end of the day. A rest break is not counted in when calculating all the hours worked for any one working day. An employer does not have to pay staff for the rest periods.

Weekly rest period:
A staff member is entitled to a period of 24 hours consecutive rest in each 7 day period. Usually, this means Sunday off. Or the staff member could have two separate 24 hour periods off in a 14 day period instead (one of which should be a Sunday). If the weekly day of rest is preceded by a working day, the staff member must first receive their daily rest entitlement of 11 hours consecutive rest. This in effect means that the weekly rest period represents a period of 35 hours consecutive rest.
Reference Period Calculations
Annual leave, sick leave or maternity/adoption leave cannot be included when doing the reference period calculations. Lunch breaks, tea breaks, “on call” time and the like are not regarded as working time and are excluded from the calculations.

Exceptional or Unforeseen Circumstances
The Act permits exemption from the rest provisions if there are exceptional, unusual and unforeseeable circumstances. Equivalent compensatory rest must be taken within a reasonable period of time.

Other Employment
Teagasc as an employer is prohibited from “casting a blind eye” to situations where staff members work aggregate periods (between two employments) which exceed the hours permitted in the legislation. Hence, all staff are required to supply Teagasc with details of any other employment(s) in which they are engaged (excluding working at home). It is up to Teagasc to make reasonable enquiries to confirm that their staff are not working for another employer.

Records:
Teagasc must keep appropriate records to show that they are complying with the law. These records must be kept for three years. A standard Teagasc documentation approach is highly desirable. Indeed, as a national organisation whose records are likely to be audited in all locations at some stage. It is proposed that this information will be recorded electronically.
6. Statutory Entitlements

6.1 Maternity Leave

If you become pregnant while in employment in Teagasc, you are entitled to take maternity leave (Ref: Maternity Protection Act 1994 and 2004). The period of maternity leave is 26 consecutive weeks. Maternity leave must commence no later than 2 weeks before the end of the expected week of confinement (Saturday being the last day of the week). Apart from the compulsory period of 2 weeks to be taken before and 4 weeks after the expected date of confinement, the taking of maternity leave is at the discretion of the woman concerned.

The maximum permissible period of maternity leave before the expected date of confinement is 14 weeks. The maximum period of permissible maternity leave after the expected date of confinement is 24 weeks. This applies in all cases other than when the date of confinement:

- Occurs 4 weeks or more before the expected date and the woman has not yet commenced maternity leave
- Occurs in a week after the expected date and less than 4 weeks of maternity leave are remaining

If the date of confinement occurs in a week that is 4 or more before the expected date and the woman has not yet commenced maternity leave, the date of confinement will be regarded as the first day of her maternity leave.

If the date of confinement occurs in a week after the expected date and is such that less than 4 weeks of maternity leave remain, then maternity leave will be extended by the number of weeks between the expected date and the actual date of the birth, subject to a maximum of 4 weeks.

Maternity leave must be applied for not later than 4 weeks before its commencement. Teagasc must be supplied with a medical cert stating the expected date of confinement.

While on maternity leave the staff member is entitled to full pay less Social Welfare allowance payable. While on maternity leave the staff member will be deemed for all purposes to be in employment. Maternity leave, is therefore, fully reckonable for service, seniority and annual leave entitlement. The staff member is also entitled to days in lieu for Public Holidays which occur during maternity leave. These must be taken immediately after the maternity leave ends.

Additional Unpaid Leave

At the end of maternity leave the staff member is entitled to take additional maternity leave for up to 16 weeks. This must be taken immediately after the 26 weeks and it is unpaid. A staff member on additional leave is deemed for all purposes (other than the right to remuneration and superannuation benefits) to be in employment. At least 4 weeks’ notice must be given for the additional leave. The staff member must also give a minimum of 4 weeks’ notice of their intention to return to work. Days in lieu which fall during paid or unpaid maternity leave must be added to the end of the unpaid maternity leave.
Ill-Health whilst on Additional Unpaid Maternity Leave

If the staff member becomes ill and wishes to end their additional unpaid maternity leave, while they may make a request to do so any time during the last 4 weeks of the additional unpaid maternity leave. This request should be made in writing to the staff member’s line manager, who will make the decision in consultation with the HR Department. If the line manager agrees the staff member will not be entitled to the remainder of the maternity leave but will be treated as being on sick leave. Medical certificates must be provided in these circumstances.

It should be noted that where a staff member makes such a request and it is granted, the additional leave will be lost and the staff member will not be entitled to it at a later date.

Ante Natal Appointments
Pregnant staff members are entitled to paid time off as is necessary for attendance to ante-natal and post-natal clinics. In addition, there is a once off right for fathers to paid time off to attend the two ante-natal classes immediately prior to the birth. Evidence of appointments at the clinic will be required.

Once the staff member’s pregnancy is confirmed she may take reasonable time off for medical visits connected with the pregnancy. This includes the time required to travel to and from the appointment and the time taken for the appointment itself.

Breastfeeding
Upon returning to work, a mother who is breastfeeding her child is entitled, without loss of pay, to either one hour off from work each day as a breastfeeding break, where breastfeeding facilities are provided by the employer, or a reduction of her working hours of one hour each day until that child is 2 years old as per circular 31/06.

The break or reduction in hours may be taken as one break of 60 minutes, two breaks of 30 minutes, three breaks of 20 minutes or in such other manner agreed between the employer and the employee. Requests to avail of breastfeeding breaks or a reduction of hours must be notified in writing at the time of the notification to return to work and should be accompanied by the birth certificate of the child concerned.

Stillbirth/Miscarriage
If the staff member has a stillbirth or miscarriage any time after the 24th week of pregnancy, they are entitled to full maternity leave, including additional maternity leave. If the staff member has satisfied the PRSI requirements, Maternity Benefit is payable for the 26 weeks of the basic maternity leave.

To apply for maternity leave following a stillbirth or miscarriage, the staff member should complete the “Maternity Leave Application Form” on the T-Net and submit it to their line manager in the normal way. The actual date of birth and the number of weeks should be included on the form along with the original due date.

To apply for Maternity Benefit following a stillbirth, the staff member needs to send a letter from their doctor with the Maternity Benefit application form, confirming the expected date of birth, the actual date of birth and the number of weeks of pregnancy.
Early birth
If a staff member's baby is born more than 4 weeks before their due date, they will have fulfilled the notice requirements if they give written notice within 14 days of the birth.

Medical certification
Section 11 of the Maternity Protection Act 1994 provides that if a staff member is certified by their doctor as needing to start maternity leave for medical reasons, their maternity leave will start on the earlier date as specified on the medical certificate. In this case the staff member is considered to have complied with the notice requirements.

Postponing maternity leave
Section 7 of the Maternity Protection (Amendment) Act 2004 provides for postponement of maternity leave in strict circumstances, that is, if the staff member's baby is hospitalised. This right to postpone leave applies whether the staff member is on maternity leave, or on additional unpaid maternity leave. Please note that Teagasc has the right to refuse any application to postpone maternity leave.

Health and safety leave
If necessary, Teagasc will carry out a risk assessment in relation to a pregnant staff member and those who have recently given birth or are breastfeeding. If there are particular risks, these will either be removed or the staff member moved away from them. If neither of these options is possible, the staff member will be given health and safety leave from work which may continue up to the beginning of maternity leave. During health and safety leave, the staff member will be entitled to their normal wages for the first 3 weeks, after which Health and Safety Benefit may be paid.

Father's entitlement to leave
Fathers are entitled to leave from their employment if the mother dies within 24 weeks of the birth (similar to maternity leave). In these circumstances, the father may be entitled to a period of leave, the extent of which depends on the actual date of the mother's death. Where a father qualifies for leave under these circumstances, he also has an optional right to the additional leave.
How to Apply

- The staff member must give at least 4 weeks’ notice of their intention to take maternity leave.
- To obtain an application form, log onto the HR section on the T-Net and it can be found in the ‘Application Form’ section (forms are listed alphabetically).
- Complete the form and enclose a copy of the medical certificate showing the expected date of confinement.
- The application form should be signed by the staff member’s line manager and submitted to the HR Department.
- If a staff member wishes to take additional maternity leave this should be (a) indicated on the maternity leave application form or (b) if it is not indicated on the maternity leave application form it should be applied for in writing no later than 4 weeks prior to commencement of the additional leave.
- The staff member must also give 4 weeks’ notice in writing to the HR Department of their intention to return to work.

At least 6 weeks before the staff member’s due date they should apply to the Maternity Benefit Section of the Department of Employment Affairs and Social Protection for Maternity Benefit.

6.2 Adoptive Leave

Adoptive leave (Ref: Adoptive Leave Act 1995 and 2005) is available to all female staff members and to male staff members who are sole male adopters. The period of adoptive leave is 24 weeks from the date of the placement of the child. If the date of placement is postponed then the leave will also be postponed until a new date is set.

The staff member must apply for adoptive leave at least 4 weeks before the expected placement date. They must submit a certificate stating the date of placement.

Staff members on adoptive leave are entitled to full pay less adoptive benefit from the Department of Employment Affairs and Social Protection.

While on adoptive leave the staff member will be deemed for all purposes to be in employment. Adoptive leave, is therefore, fully reckonable for service, seniority and annual leave entitlement. Staff are also entitled to days in lieu for Public Holidays which occur during adoptive leave. These must be taken immediately after the period of adoptive leave ends.

Additional Unpaid Leave

At the end of adoptive leave the staff member is entitled to additional adoptive leave of up to 16 weeks. This must be taken immediately after the 24 weeks is up and the staff member must give at least 4 weeks’ notice should they wish to avail of it. This leave is unpaid.

In the case of a foreign adoption, where the staff member will need a period of time before placement for the purpose of familiarisation with the child, some of the unpaid adoptive leave can be taken before starting the paid 24 weeks of adoptive leave. The staff member must give at least 4 weeks’ notice of their intention to return to work.
If the staff member becomes ill while on additional adoptive leave, they may make a request to end the additional adoptive leave. This request should be made to the staff member’s line manager, who will make the decision in consultation with the HR Department. If the line manager agrees the staff member will not be entitled to the remainder of the adoptive leave but will be treated as being on sick leave. Medical certificates must be provided in these circumstances.

**Before the adoption**
Adopting parents are entitled to paid time off work to attend preparation classes and pre-adoption meetings with social workers or Health Service Executive (HSE) officials required during the pre-adoption process. Relevant documentation to support these appointments must be given in reasonable time to the line manager concerned.

**Postponement of adoptive leave**
If the adopted child is hospitalised, the period of leave or additional leave may be postponed. Please note that Teagasc has the right to refuse any application to postpone adoptive leave.

**How to Apply**

- The staff member must give at least 4 weeks’ notice of their intention to take adoptive leave
- To obtain an application form, log onto the HR section on the T-Net and it can be found in the ‘Application Form’ section (forms are listed alphabetically)
- Complete the form and enclose a copy of the adoptive order showing the expected date of placement
- The application form should be signed by the staff member’s line manager and submitted to the HR Department
- If a staff member wishes to take additional adoptive leave this should be (a) indicated on the adoptive leave application form or (b) if it is not indicated on the adoptive leave application form it should be applied for in writing no later than 4 weeks prior to commencement of the additional leave
- The staff member must also give 4 weeks’ notice in writing to the HR Department of their intention to return to work

The staff member should apply to the Adoptive Benefit Section of the Department of Employment Affairs and Social Protection at least 5 weeks before they intend to commence adoptive leave.
6.3 Parental Leave

A staff member who is the natural or adoptive parent of a child is entitled to avail of unpaid parental leave (ref: Parental Leave Act 1998) for a period of up to 18 weeks in order to take care of their child. This leave must be taken before the child reaches the age of thirteen years (or sixteen years in the case of children with disabilities or long term illness). Staff members who are acting ‘in loco parentis’ of an eligible child may also avail of parental leave.

Where an adopted child is eleven or more years but less than thirteen years at the time of adoption, the parental leave must be taken within two years of the date of adoption order. Parental leave for an adopted child under eleven at time of adoption must be taken before the child is thirteen years old.

Each parent has a separate entitlement to parental leave from their job. Where qualifying parents both work in the civil service, 14 of the 18 weeks can be transferred between parents. Staff members who wish to avail of parental leave must have completed one year’s continuous service.

A staff member with more than 3 months but less than one year’s service can avail of parental leave at the rate of one week for each month continuous service which the staff member has completed at the time of commencement of the leave.

With the agreement of the line manager, leave can be taken in one continuous period of 14 weeks, separate blocks of a minimum of 6 continuous weeks, weekly blocks, monthly blocks or on more favourable terms. Staff members do not have to take the full entitlement. Any public holidays that fall during the period of such leave are added on to end of it.

The granting of parental leave is conditional on a staff member notifying their line manager as soon as is reasonably practicable but not later than six weeks prior to the proposed commencement date of the parental leave.

The notice must specify when the staff member intends to commence parental leave, the duration of the leave and the manner in which the staff member proposes to take the leave. The staff member may revoke this at any time before the confirmation document is signed.

While staff will be facilitated as far as possible, the line manager may postpone parental leave if such leave would have a substantial effect on the operation of the Department concerned. The staff member must be notified not later than 4 weeks before the intended date of commencement of the leave.

The postponement may be to an agreed date, not later than 6 months from the date on which the staff member had intended that the parental leave was to start.

If a second postponement due to seasonal variation in the volume of work concerned takes place, parental leave will not be lost, if solely as a result of postponement, the child reaches the age threshold.

Not later than four weeks before the commencement of parental leave, the line manager must prepare a ‘confirmation document’ specifying the date of commencement of the leave, its duration and manner in which it is to be taken. The HR Department and staff member must sign the confirmation document and the
staff member retains a copy for their own records. Once this document is signed, no amendments can be made to it without the agreement of both parties.

In the case of a staff member who is on probation at the start of parental leave, the period of probation will stand suspended during the absence on parental leave and will be completed by the staff member on their return to work.

A staff member on parental leave is deemed for all purposes (other than the right to remuneration and superannuation benefits) to be in employment. The absence will therefore count as service and will reckoned for increment purposes and for qualifying service for annual leave and promotion. If a staff member falls ill while on parental leave and as a result is unable to care for the child, parental leave may be suspended for the duration of the illness. Following the period of illness parental leave can recommence. In order to avail of this, the staff member must provide their line manager with evidence of the period of sickness i.e. a medical certificate.

If the line manager has reasonable grounds for believing that the staff member is not using the leave for this purpose, the leave may be terminated following the expiry of 7 days’ notice and the staff member concerned may be required to return to work. However, before any notice of termination can be given, the staff member must be invited to make representations on the matter within a period of 7 days.

When returning to work from parental leave, staff members may request a change in their work pattern for a set period of time. Teagasc will consider this request taking into account the needs of the staff member and the organisation. Such requests should be made not later than 6 weeks prior to the proposed commencement date, specifying the nature and duration of any such pattern. The staff member will be informed in writing, not later than 4 weeks after the submitting the request, as to whether it will be granted or not. There will be no obligation on Teagasc to grant the change in work pattern.

How to Apply

- Applications for parental leave should be made as soon as is reasonably practicable but must be no later than six weeks prior to the proposed commencement date of the parental leave.
- To obtain an application form, log onto the HR section on the T-Net and it can be found in the ‘Application Form’ section (forms are listed alphabetically).
- Section A of the application form should be completed and a copy of the birth certificate(s)/adoption order(s) should be enclosed.
- The staff member’s line manager may postpone leave or amend the manner it is to be taken in, because such leave would have a substantial effect on the operation of the unit. If so, they must explain the reasons for postponing/amending the leave and this must be communicated to the staff member not later than 4 weeks before the intended date of commencement of the leave.
- If leave is approved, no later than four weeks prior to commencement of the leave the line manager must complete Section B of the form (the confirmation document).
- The line manager and the staff member should both sign the completed form and it should then be submitted to the HR Department.
- Once this document has been signed, no amendments can be made without the agreement of both parties.
6.4 Force Majeure Leave

Under the Parental Leave Act, a staff member has a right to Force Majeure Leave from work, where for urgent family reasons the immediate presence of the staff member is indispensable OR as a result of an injury to, or illness involving a close family member.

A close family member is defined as one of the following:
- Father, step-father, father-in-law, mother, step-mother and mother-in-law of the officer
- A child or adopted child of the staff member
- The husband/wife/partner of the staff member
- Grandfather or grandmother of the staff member
- Brother or sister of the staff member
- Person to whom the staff member has a duty of care (that is, he/she is acting in loco parentis)
- Spouse, co-habiting partner or person in a relationship of domestic dependency with the staff member, including a same-sex partner

The maximum amount of leave is 3 days in any 12-month period or 5 days in a 36-month period (commencing on the first day of such leave). A staff member is entitled to be paid while on Force Majeure Leave. Absence for part of a day is counted as one day for the purpose of Force Majeure Leave.

The line manager should, before granting such leave, satisfy themselves that the circumstances which give rise to the application are justified. In determining entitlement to the leave, the following considerations apply:

1. The reason is urgent and there is no advance notification of the illness/injury (i.e. scheduled appointments are not applicable)
2. The need for the staff member’s presence is immediate and could not be delayed
3. The staff member’s presence is indispensable (i.e. nobody else can support the sick/injured person)

How to apply

- The staff member must notify their line manager as soon as is practicably possible, that they wish to avail of Force Majeure Leave.
- Due to the urgency of such leave, the leave may be granted verbally by the staff member’s line manager and all necessary documentation completed upon the staff member’s return to work.
- Immediately on the staff member’s return to work, the “Special Leave Application Form” must be completed and returned to their line manager. The line manager will submit the form to the HR Department.
- The leave will be noted on the staff member’s personnel file.
6.5 Carer’s Leave

The Carer’s Leave Act 2001 provides an entitlement for a staff member to avail of temporary unpaid leave from employment to personally provide full-time care and attention for a person who is in need of such care.

The period of leave a staff member is entitled to is subject to a maximum of 104 weeks in respect of any one care recipient. The minimum statutory entitlement is 13 weeks.

Eligibility
In order to qualify for Carer’s Leave a staff member must fulfil the following conditions:
(a) The staff member must have at least 12 months continuous service
(b) The staff member must intend to take Carer’s Leave for the purpose of personally providing full-time care and attention to a person (a relevant person) who is in need of such and must actually do so for the duration of the leave.

Rules and Definitions
The “relevant person” refers to the person receiving full time care and attention. In order to qualify for Carer’s Leave the relevant person must be deemed to be in need of full time care and attention by a deciding officer (or appeals officer) of the Department of Social Community and Family Affairs. This decision will be based on information provided by the relevant person’s general medical practitioner and assessed by the Department’s medical advisor.

According to the Department of Social Community and Family Affairs “full time care and attention” means that a person being cared for must be so disabled as to require:
(a) Continuous supervision and frequent assistance throughout the day in connection with their personal needs e.g. help to walk, eat, drink, wash, bathe, dress etc
(b) Continuous supervision in order to avoid danger to themselves

While on Carer’s Leave a staff member may:
(a) attend an educational or training course or take up voluntary or community work for up to 10 hours per week
(b) engage in limited self-employment in their own home. This must be approved by the Minister for Social Community and Family Affairs and will be subject to an upper income limit as set out in regulations made by the Minister for Social Community and Family Affairs

Exceptions
A staff member will not be entitled to Carer’s Leave in respect of the care of an individual at a time when another staff member is on Carer’s Leave for the purpose of providing full-time care and attention to the same relevant person.

A staff member will generally not be permitted to be on Carer’s Leave in respect of more than one relevant person at any one time. Before a staff member can commence Carer’s Leave, they must provide Teagasc with a copy of the decision of a deciding officer (or appeals officer) of the Department of Social Community and Family Affairs, that the relevant person has been medically certified as being in need of full time care and attention.
Manner in which Leave may be taken

Leave may be taken in one of the following ways:

- one continuous period of 104 weeks
- one or more periods, the total duration of which amounts to not more than 104 weeks

Teagasc may refuse on reasonable grounds in writing to permit a staff member to take Carer’s Leave for any period of less than 13 weeks. Teagasc may however, agree to arrangements for Carer’s Leave more favourable to the staff member.

Employment Rights During Carer’s Leave

While on Carer’s Leave, a staff member shall be regarded as still working for Teagasc for all purposes relating to employment with the following exceptions:

- There is no right to remuneration or superannuation benefits
- Annual leave will only accrue during the first 13 weeks of the Carer’s Leave entitlement in respect of any one relevant person
- The right to public holidays is likewise restricted to the period comprising the first 13 weeks only of the Carer’s Leave entitlement in respect of any one relevant person

Absence from employment while on Carer’s Leave shall not be treated as part of any other leave to which the staff member is entitled (e.g. sick leave, annual leave, adoptive leave, maternity leave, parental leave or force majeure leave).
How to Apply

A staff member must give written notice to the HR Department of the intention to take Carer’s Leave not later than 6 weeks before the proposed commencement of the leave.

The written notice must contain the following details:
- The date on which the staff member intends to commence the leave
- The duration of the leave
- The manner in which it is proposed to take the leave
- A statement that an application for a decision that the person to be cared for is a relevant person for the purposes of the Carer’s Leave Act has been made to the Department of Social Community and Family Affairs
- The staff member’s signature and date

Once a staff member has given notice of the intention to take Carer’s Leave they must provide Teagasc with a copy of the decision from the deciding officer (or appeals officer) of the Department of Social Community and Family Affairs that the person in respect of whom the staff member proposes to avail of Carer’s Leave is a relevant person i.e. medically certified as requiring full-time care and attention.

Teagasc and the staff member will then prepare a confirmation document. This document must be prepared and signed no later than two weeks before the leave is due to commence and must include the following details:
- The date on which the period of Carer’s Leave will commence
- The duration of the period of Carer’s Leave
- Signatures of the relevant HR Services Officer and the staff member

Once this confirmation document has been signed by both the relevant HR Services Officer and the staff member it cannot be altered unless both parties agree.

6.6 Paternity Leave

Effective from the 1st September 2016, relevant parents are entitled to a single period of 2 weeks leave with pay after the birth/adoption of a child. This leave must commence within 26 weeks of the date of birth or placement of the child (in the case of adoption). (Ref: Circular 18/2016)

In order to qualify for paternity leave, the staff member must be a relevant parent as defined under the Paternity Leave & Paternity Benefits Act.

In the case of a multiple birth or the adoption of more than one child, the entitlement to paternity leave remains at one single period of leave.

How to Apply

The staff member must provide a medical certificate or letter from a registered medical practitioner which shows the expected date of the birth. A birth certificate is also acceptable. In the case of adoption, the staff member must provide the certificate of placement. In the case of inter country adoption, staff members must supply a declaration of eligibility and suitability followed by the certificate of placement as soon as it becomes available.
Applications for paternity leave must be made at least 4 weeks in advance of the expected date of birth or the expected date of placement of the child (in the case of adoption). Where the leave is not being taken at the time of the birth or placement, applications must be made at least 4 weeks in advance of the planned leave. Where the birth takes place earlier than expected, applications can be made outside of the 4 week period.

To complete an application for paternity leave the following documentation must be completed and submitted in accordance with the timelines outlined above:

- The Paternity Leave form (available on the Tnet) must be completed and submitted along with the evidence of the expected date of birth/placement of the child
- The Paternity Benefit Application Form must be completed and submitted to the Department of Employment Affairs and Social Protection by staff paying Class A PRSI. Please note that Teagasc must complete the Employer Certificate for Paternity Benefit which is part of this form. It is not necessary for staff paying other classes of PRSI to complete this form.

Postponement

In the event of the day of placement being postponed or where the date of birth occurs after the expected date, the relevant parent is entitled to select another date for the commencement of the paternity leave. In such circumstances, the relevant line manager and HR must be notified as soon as possible.

In the event of certified sickness of the relevant parent immediately prior to the commencement of his/her paternity leave; the paternity leave may be postponed. Such postponed leave can be resumed on a date which is agreeable to the relevant parent and Teagasc, but end no later than 28 weeks after the date of birth or placement of the child.

In the event of hospitalisation of the child, the paternity leave may be postponed. Such postponed leave must be taken in one single period commencing no later than 7 days after the child has been discharged from hospital or such other date which is agreeable to the relevant parent and Teagasc.

Payment

Staff members on Class A PRSI are entitled to full pay less social welfare contributions while on paternity leave (subject to being fully insured). Paternity benefit will then be paid by the Department of Employment Affairs and Social Protection directly to the staff member. Staff paying other classes of PRSI will not have social welfare contributions deducted from their pay and will receive payment of full salary from Teagasc. Your PRSI class can be identified from your payslip. The rules determining entitlement to payment of paternity benefit are set out on the Department of Employment Affairs and Social Protection website: https://www.welfare.ie/en/Pages/Paternity-Benefit.aspx

As outlined above, applications for Paternity Benefit must be made at least 4 weeks in advance of the planned leave to ensure payment in full.
Paternity leave is fully reckonable for service, seniority and annual leave purposes. Where a Public Holiday falls during paternity leave, this should be added to the paternity leave (i.e. taken immediately after the paternity leave ends).

7 Non-Statutory Entitlements

7.1 Bereavement Leave

In the event of the death of a relative, staff members can avail of special leave with pay as follows: (ref: Circular 01/2017)

- Where there is the death of a spouse (including co-habiting partner), child (including adopted children and children being cared for on the basis of ‘in loco parentis’) or any person in a relationship of domestic dependency, the amount of bereavement leave shall be 20 working days.
- Where there is the death of another immediate relative* the amount of bereavement leave shall be 5 working days
- 1 working day in the case of an aunt, uncle, niece or nephew. In exceptional circumstances where the staff member lived with the deceased at the time of their death, or has to take charge of funeral arrangements, this limit may be extended to 5 working days

In the event of a stillbirth or prenatal death of a child after 24 weeks of pregnancy, bereavement leave of 10 working days may be granted to the father of the child, the spouse, civil partner or cohabitant of the mother of the child, or to a staff member who is a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act.

*For the purpose of bereavement leave, the definition of an immediate relative includes:

- father; step-father; father-in-law
- mother; step-mother; mother-in-law
- brother; step-brother; half-brother; brother-in-law
- sister; step-sister; half-sister; sister-in-law
- grandfather; grandmother; grandchild
- son-in-law, daughter-in-law
- similar immediate relative of a co-habiting partner

Staff members who must travel abroad to arrange a funeral in respect of an immediate relative can avail of special leave with pay in excess of the limits mentioned above at the discretion of the Head of Human Resources.

Bereavement leave is granted only at the time of the bereavement and cannot be substituted for any other form of leave, other than annual leave. If the death occurs when a staff member is on annual leave, the annual leave may be replaced with bereavement leave and the annual leave may be restored. In respect of those working part time, the amount of leave granted will depend on whether or not the staff member was scheduled to attend at work for the period in question.
How to Apply

- A staff member must notify their line manager as soon as is practically possible, that they wish to avail of Bereavement Leave.
- Due to the urgency of such leave, the leave may be granted verbally by the staff member’s line manager and all necessary documentation completed upon the staff member’s return to work.
- Immediately on the staff member’s return to work, the “Special Leave Application Form” must be completed and returned to their line manager. The line manager will submit the form to the HR Department.
- The leave will be noted on the staff member’s personnel file.

7.2 Special Leave

Paid Leave for Family Illness/Injury

In the event of serious and unforeseen illness of or injury to a staff member’s immediate relative (and where force majeure leave has been exhausted or does not apply), a staff member may be granted special leave with pay in any year up to the following limits at the discretion of the line manager: (ref: Circular 05/2010)

(a) 5 working days in the case of a spouse, child (including adoptive child or child to whom the staff member is in ‘loco parentis’) or partner (including co-habiting partner or same sex partner)
(b) 3 working days in the case of other immediate relative*

*For the purpose of special leave for family illness/injury, the definition of immediate relative includes: father, step-father, mother, step-mother, brother, sister, father-in-law, mother-in-law, grandmother and grandfather

The amount of special leave granted to a staff member in any one year, together with their annual leave entitlement (excluding leave carried over), and any force majeure leave, will not exceed a total of 26 days. Where the annual leave allowance of the staff member has been exhausted and they are the only person who can offer the necessary support, the line manager will look at the specific case to establish whether or not special leave will be granted.

The line manager should, before granting such leave, satisfy themselves that the circumstances which give rise to the application are justified. Force Majeure leave where applicable should be claimed before any leave under this provision.

Special Leave may only be granted at the time of the illness or injury. A staff member who is absent on statutory or non-statutory leave may not be granted special leave at the end of, or instead of that leave.

Staff members on annual leave at the time of the illness or injury may be allowed special leave, subject to the limits and conditions applying to the granting of such leave, instead of annual leave. In such cases the staff member’s annual leave entitlement will be adjusted accordingly.

Where the line manager is satisfied that special circumstances exist, special leave may be granted in the event of the serious and unforeseen illness or injury of a more distant relative.
How to apply

- A staff member must notify their line manager as soon as is practicably possible, that they wish to avail of Special Leave.
- Due to the urgency of such leave, the leave may be granted verbally by the staff member’s line manager and all necessary documentation completed upon the staff member’s return to work.
- Immediately on the staff member’s return to work, the “Special Leave Application Form” must be completed and returned to their line manager. The line manager will submit the form to the HR Department.
- The leave will be noted on the staff member’s personnel file.

Unpaid Leave for Domestic Reasons

A staff member may be granted special leave without pay for domestic reasons, subject to the following conditions and upper limits:

(a) 6 months to cope with difficulties arising from the death or serious illness of an immediate relative*;
(b) 6 months to care for an immediate relative* during sickness or old age (if no suitable person other than the staff member is able to provide the care);
(c) 6 months to cope with difficulties arising from the birth of a child with a serious illness;
(d) 2 months to travel abroad to visit an immediate relative* who is suffering from serious and unforeseen illness (provided the staff member is the only person who can make the visit);
(e) To deal with urgent domestic problems other than those mentioned above.

The provisions of this unpaid leave, which relate to death, old age and illness of an immediate relative* may also be applied, in exceptional circumstances, in respect of more distant relatives.


The granting of special leave (paid or unpaid) is subject to the operating requirements of Teagasc not being adversely affected. In considering the granting of special leave, Teagasc should:

(a) Be satisfied that the circumstances which give rise to the application are justified;
(b) Grant the maximum period of paid or unpaid leave only where the situation warrants this; and
(c) Ensure that the different forms of leave are not combined to as to exceed the maximum period allowable in a particular situation

Special leave without pay for domestic reasons does not reckon as service for the purposes of increments, annual leave or superannuation.

How to apply

- A staff member must notify their line manager as soon as is practicably possible, that they wish to avail of Unpaid Leave.
If the line manager is agreeable to granting the unpaid leave, the “Special Leave Application Form” should be completed, signed by the line manager and submitted to the HR Department. It is important that the HR Department is notified as soon as possible, so that the staff member’s salary can be adjusted accordingly. The leave will be noted on the staff member’s personnel file.

7.3 Work-sharing Policy

The purpose of the work-sharing scheme is to assist staff to combine work and personal responsibilities or choices.

Work-sharing means that staff may choose a daily/weekly work pattern which is different from the standard working day/week. All civil servants, whether established or unestablished including, subject to certain conditions, those on probation may apply to work-share. Staff who opt for work-sharing are required to do so for a minimum of twelve months. Each individual's work-sharing arrangements must be formally reviewed on an annual basis.

The minimum period for which a staff member may opt to work-share is twelve months. The staff member is required to re-apply in advance of the period coming to an end and the arrangement may be approved again for a further twelve months. The onus is on the staff member to re-apply each year and any rollover of a work-sharing arrangement where an extension has not been looked for by the staff member does not assume automatic approval.

A person participating in the Work-sharing Scheme may take up other paid employment outside the Civil Service, subject to the same conditions that apply to full-time civil servants, but in particular that there must be no conflict of interest, and that the outside employment does not interfere with the proper performance of Civil Service duties.

The operation of the scheme is subject to the principle that the operating requirements of Teagasc are not adversely affected. This will be determined by the staff member's line manager. Organisational needs may make it necessary to limit the numbers who participate in the work-sharing scheme. It is important that both management and participants of the scheme adopt a flexible approach to the operation of the scheme.

It is not a specific requirement under the scheme to have a work-sharing partner. However, it is acknowledged that operational needs of Teagasc may make the availability of a suitable partner a prerequisite to granting a work-sharing request.

When two people are work-sharing the same job it is necessary that they equally share the workload. Teagasc will have an agreement drawn up and both staff members will be required to sign it.

In considering an application to participate in the work-sharing scheme, Teagasc will also consider the scope for internal transfer of an applicant to duties which may permit a more flexible attendance pattern where the duties and responsibilities of the staff member at the time of application may not be amenable to a work-sharing agreement.
A staff member participating in the work-sharing scheme may choose only one attendance option in a 12 month period.

Effective from December 2013, new work-sharing patterns of less than 50% of full time working hours will not be approved. There are two cases were an exemption may apply. These are:
(1) staff who are in receipt of Carer’s Allowance may work for up to 15 hours per week
(2) staff with a disability who have been provided with a reasonable accommodation to work less than 50% of full time working hours can continue to work such pattern for as long as the reasonable accommodation is required.
Staff, who on 30 June 2013 are on patterns of less than 50%, can retain the work pattern on a personal to holder basis, subject to management’s overall discretion to alter or change an individual’s work-sharing arrangements with three months' notice.

Purpose
A staff member applying for work-sharing must state in writing the purpose for which participation in the scheme is being sought. Participation in the work-sharing scheme may be allowed for reasons relating to:

- The personal responsibilities or choices of an applicant, including, for example, child rearing or caring for a dependant adult
- Educational purposes
- Self employment
- Assisting in the transition to retirement

If seeking to participate in the scheme for self-employment reasons, there must be no actual or potential conflict of interest between the staff member’s self-employment and their current position. The applicant must not undertake consultancy work while work-sharing.

Management may require a staff member participating in the work-sharing scheme to resume full-time duties where, in the opinion of the line manager in conjunction with the HR Department:

- A staff member is availing of the scheme for a purpose not allowed, or
- Self-employment or alternative paid employment actually or potentially interferes with the work performance of the staff member in their position.

A failure to return to work full-time where required by the HR Department for the reasons outlined above will be treated as a serious disciplinary offence.

Conditions of Service whilst participating in the Work-sharing Scheme
The conditions of service which will apply to participants in the work-sharing scheme are set out below. Except where otherwise stated or provided for in law, staff who opt to work-share will, broadly speaking, have pro-rata parity with their full-time colleagues.

Pay
Pay will be calculated on a pro-rata basis according to the hours worked. Increments will be granted annually or in line with any nationally approved pay agreement (e.g. the Haddington Road Agreement), subject to the normal rules governing the granting of increments.
**Annual Leave**
The annual leave allowance of a staff member who is work-sharing will be adjusted pro-rata to their agreed attendance regime, subject to the provisions of the Organisation of Working Time Act, 1997.

The Organisation of Working Time Act states that depending on time worked, the holiday entitlement of a staff member should be calculated by one of the following methods, whichever is more favourable:

- 4 working weeks in a leave year in which a staff member works at least 1,365 hours
- One third of a working week per calendar month that the staff member works at least 117 hours
- 8% of the hours a staff member works in a leave year (subject to a maximum of 4 weeks)
- Pro-rata the holiday entitlement of an equivalent full-time staff member in that grade.

**Public Holidays**
Please see Section 8.4 for further details.

**Other leave provisions**
A staff member participating in the work-sharing scheme will retain statutory entitlements in respect of maternity leave, including health and safety leave (provided for under the Maternity Protection Act), and adoptive leave.

A staff member participating in the work-sharing scheme will retain the statutory entitlement to parental leave, the entitlement to be calculated on the basis of the number of hours worked during a reference period of 14 weeks in accordance with the Parental Leave Act, 1998.

A staff member may avail of force majeure leave within the scope of general provisions relating to such leave.

Provisions in relation to study leave shall apply on a pro-rata basis. The granting of study leave will depend on whether or not the person in the work-sharing scheme was scheduled to work for the period in question.

The granting of bereavement leave will depend on whether or not the person in the work-sharing scheme was scheduled to work for the period in question.

**Sick Leave**
Sick leave entitlements for work-sharers will be the same as those applied to full time staff members with the exception that sick pay will be on a pro-rata basis in accordance with the work-sharing arrangement. However, in relation to uncertified sick leave, work-shares are entitled to a maximum of 4 uncertified sick days in any 24 month period.

The thresholds in respect of clearance of candidates for promotion and the determination of pay allowable for periods of sick leave will remain the same as for full-time staff.
Probation and acting appointments on promotion
As far as probationary service and acting appointments on promotion are concerned, credit should be given for work-sharing service on the same basis as full-time service.

Promotion
Work-sharing staff will be eligible for promotion on the same basis as full-time staff. Staff who are work-sharers will not be distinguished from full-time staff in respect of consideration for promotion, provided they are otherwise eligible. While it may be possible for staff members to continue to serve in a work-sharing capacity on promotion, an offer of promotion may be conditional on the staff member concerned undertaking to perform the duties of the higher grade on a full-time basis.

Overtime
Staff who are work-sharing should be treated in the same way as full-time staff for the purposes of allocation of overtime. There is no distinction in the definition of overtime for full-time and work-sharing staff, namely extra attendance outside the standard working day of full-time staff in the grades concerned and subject to the agreed arrangements applicable to full-time staff. Accordingly, overtime is only paid for attendance outside the span of the conditioned working day of full-time staff in the grades concerned; that is overtime should not be paid until staff have worked a net 37 or 39 hours a week.

Extra attendance
Work-sharing staff who are required to attend work during normal office hours on days, or times, which are outside their scheduled work-sharing attendance pattern, (whether for purposes of attending training courses, attending meetings or for other official purposes) should be given additional pensionable payment at their normal rate of pay or time off in lieu. Time taken off in lieu of payment for extra attendance is pensionable. Any extra attendance must be approved by the HR Department before it can take place.

Teagasc reserves the right, in exceptional circumstances, to require individual work-sharing staff members to resume duty on a full-time basis, for a temporary period.

Social welfare arrangements
As the attendance pattern agreed may affect a staff member’s social welfare contribution record (i.e. not all attendance patterns may reckon as 52 contributions in any or every year), staff members are strongly advised to check with the Department of Employment Affairs and Social Protection prior to commencing work-sharing and to check the up-to-date position each time they renew a work-sharing agreement. It is important that staff members are aware that a work-sharing attendance pattern may affect their social welfare entitlements.

Altering the Work-sharing arrangement
Work-sharing arrangements must be compatible with the business needs of the organisation. Over time, a pattern that was previously approved may no longer be suitable to the business or other staff may be seeking access to the Scheme. Management has always had the right to alter or change an individual’s work-sharing arrangements and that is reflected in 12/2013 Work-sharing Circular and the Haddington Road and Croke Park Agreements. However, management must have reasonable business grounds and give reasonable notice (usually 3 months) before an individual can be required to change their work-sharing arrangements.
Return to full-time employment
Staff who have worked a particular pattern for at least twelve months may apply to return to their substantive full-time working hours and duties, subject to the availability of a suitable fillable vacancy in Teagasc in the context of the Moratorium, the Employment Control Framework and Delegated Sanction constraints etc.

How to Apply

- Please note that work-sharing arrangements are subject to the exigencies of Teagasc and the staff member should discuss their intention to apply with their line manager before making an application.
- Applications for work-sharing should be made as soon as is reasonably practicable but must be no later than six weeks prior to the proposed commencement date of the work-sharing arrangement.
- Application Forms can be accessed in the HR section on the T-Net, in the ‘Application Form’ section (forms are listed alphabetically)
- The form should be completed and signed by the staff member’s line manager before being submitted to the HR Department
- All staff in the area of work affected will be consulted in relation to the arrangements of the work-sharing situation (e.g. working hours, distribution of workload etc)
- The staff member will be notified of the new working arrangements in writing.
7.4 Career Break Policy

Staff may avail of a career break of no less than 6 months or no more than 5 years. A career break may be extended by 6 monthly periods or in periods in excess of 6 months provided the total period of leave does not exceed 5 years in total.

Eligible staff may, in general, avail of three career breaks in Teagasc. A second career break may not be taken until the staff member has served for a period equal to the duration of the initial career break. The total period of special leave* should not exceed twelve years in all and no one period of absence should exceed five years.

A career break may be allowed for child-rearing, other domestic purposes (e.g. care of a sick relative), educational purposes and travel abroad. Educational purposes may be deemed to encompass certain training courses which include a practical training element for which there is a nominal payment/grant made to the student (e.g. training as a nurse or a solicitor). Career breaks are not available for educational purposes where the student/trainee is in an employment relationship with the training body and is in receipt of a normal salary/wage. Career breaks for educational purposes should not be granted for longer than the period of the particular course of study and/or training. Since 4/2013 staff may take a career break of not less than six months and not more than three years for the purpose of taking up employment in the private sector or becoming self-employed.

* Other forms of special leave without pay (other than the periods of less than six months, such as leave taken under Circular 28/91 (Special Leave for Domestic Reasons) or short periods of special leave without pay for study purposes) will in general, be taken into account when calculating this overall limit.

A career break of up to 3 years may only be granted for purposes of self-employment subject to the following:

- It must be solely related to genuine self-employment
- There should be no potential conflict of interest between the self-employment in which the staff member proposes to engage and their position in Teagasc.
- The staff member should not undertake any consultancy work, or provide any service in return for payment for Teagasc, while on career break.

In order to ensure that the application complies with the above requirements, staff members applying for a career break for self-employment must submit to Teagasc full details of the nature of the self-employment and an outline of their proposed business contacts and proposed client/customer base where appropriate.

In all cases applicants should provide clear details of the exact purpose for which the career break will be used. If it comes to the attention of Teagasc that a staff member is using a career break for a purpose other than for which the career break was granted, the career break may be terminated immediately and the staff member may be subject to disciplinary proceedings.

While staff will be facilitated as much as possible, the needs of the work may require that some applications will have to be refused. The operation of the career break scheme is subject to the operational requirements of Teagasc not being adversely affected or undue additional expenditure being incurred.
A staff member can apply to extend the career break in six monthly periods or in periods of excess of six months, provided the total period of special leave without pay does not exceed five years (or 12 years aggregate) or three years as appropriate with reference to above.

If a staff member wishes to extend their period of career break, their position in Teagasc may be offered on a permanent basis to someone else and the staff member on career break will be offered the first suitable vacancy that arises on their return to work. Where no extension is sought the staff member will return to their position as agreed.

Established staff members, who have satisfactorily completed their probation and have served continuously since doing so, (periods of special leave without pay should not be considered to break continuity of service for this purpose) and unestablished staff members, who have satisfactorily completed two years’ service, may apply for a career break, provided they have not reached retiring age and provided they have not been appointed for a fixed term. The duration of a career break may not be extended beyond retiring age.

Special leave without pay for a career break will not count as service and will not reckon for increment or superannuation purposes or towards qualifying service for annual leave or promotion or in relation to a person’s position on a transfer list.

Further details on the status of a person on career break is covered in section 14 of the Career Break Circular 4/2013.

Staff members should indicate when applying for a career break whether or not they wish to be considered for promotion and/or notified of competitions while they are on career break. If offered an appointment as a result of the selection procedure, the date on which the appointment should take affect would be as laid down by the Director.

Staff on career break may apply for open recruitment competitions for which they are eligible (for grades other than their current grade). If offered an appointment as a result of the competition, they will be required to end the career break if they wish to accept the offer.

Further details on the potential conflict of interest while on career break is covered in section 17-30 of the Career Break Circular 4/2013.

Staff members are required to contact the HR Department in writing at least two months before the expiry of the career break, to indicate whether they wish to (a) apply for an extension to their career break (if appropriate), (b) resume duty on expiry of the career break, or (c) resign from Teagasc.

Further details on return to work provisions are covered in section 31-38 of the Career Break Circular 4/2013.

Where a staff member fails to contact the HR Department, then the HR Department will contact the staff member, no later than one month before the expiry date of the career break, asking them to indicate their intentions.
How to Apply

- The granting of a career break is subject to the exigencies of Teagasc and the staff member should discuss it with their line manager before making an application.
- To obtain an application form, log onto the HR section on the T-Net and it can be found in the ‘Application Form’ section (forms are listed alphabetically).
- On the application form the staff member must state the purpose and duration of the career break.
- Once the form is completed it should be signed by the line manager and submitted to the HR Department.
- Approval of such arrangements will be by the line manager in consultation with the HR Department.
- The final decision will be made by the line manager and the staff member will be notified of same.
7.5 Shorter Working Year Policy

Background

Staff are currently entitled to avail of the Shorter Working Year Scheme in line with the Government Circular 14/2009. This scheme permits staff to balance their working arrangements with outside commitments, including the school holidays of their children. This scheme now supersedes the Term Time Circular 32/2006 and therefore staff that availed of Term Time in the past may now apply to avail of it through this updated scheme. [It cannot be granted for the purpose of taking up employment outside of Teagasc (in Ireland), however an individual may be self-employed]. This scheme is currently operational for the calendar year January – December. Teagasc may at its discretion withdraw entitlement to this scheme.

Type of Unpaid Leave

Special Unpaid leave is a period of unpaid leave that must be taken during the calendar year January to December as either a continuous period of unpaid leave or a reduced working week.

1. Continuous Period of Unpaid Leave

Under the terms of the scheme, special unpaid leave is available as a period of 2, 4, 6, 8, 10 or 13 consecutive weeks. The leave may be taken as one continuous period or as a maximum of 3 separate periods each consisting of not less than 2 weeks and not exceeding 13 weeks in total.

2. Reduced Working Week

Staff wishing to avail of a reduced working week can apply for the period 1 January to 31 December or for a shorter period within the year. Applications for 2.5, 3 or 4 day working weeks will be considered. The maximum term for consideration under the shorter working year scheme will be 13 weeks however requests for periods greater than this will be considered on a case by case basis.

Principles of the “Shorter working Year” Scheme

1. The operation of the scheme is subject to the operational requirements of Teagasc not being adversely affected to an unacceptable level. Where there are a number of applicants from a particular work area it may be necessary to limit the number of participants in the scheme from that area.

2. All applications will be considered. Initial approval will rest with the Line Manager. Where a Line Managers does not approve an application, it will be considered by the Head of Directorate in consultation with HR.

3. It is a voluntary discretionary scheme. Staff have a right to seek to avail of special unpaid leave. Equally, Teagasc is under no obligation to approve an application.

4. Staff will revert to the post they previously held on return from special unpaid leave.

5. Staff will not be replaced during any period of unpaid leave or reduced working week. Work may however be re-distributed if necessary and appropriate.
6. The period of leave is unpaid, it may have implications for PRSI and will have implications for superannuation (see further details below).

7. Staff wishing to avail of a continuous period of unpaid leave may apply to have their salary averaged over the calendar year (see further details below).

Who may apply for the scheme?
The scheme is open to all staff members with 12 months continuous service. Staff members on fixed term/temporary contracts must have enough service remaining on their contracts to cover any period of unpaid leave where salary deductions are being averaged.

Teagasc will endeavor to facilitate a staff member availing of the shorter working year scheme where possible. The following criteria will be taken into consideration when reviewing an application for the scheme:

- Operational issues and Business Plan Priorities
- Length of service
- Flexibility of time of break (where it suits work areas and patterns)
- Whether a staff member is already availing of flexible working arrangements
- Whether special unpaid leave has already been availed of
- Date of request

How to apply for the scheme
Staff should complete the shorter working year scheme application form which may be accessed on the T-Net. Applications must first be submitted to the Line Manager for approval on approval applications should then be forwarded to HR. Where a Line Manager refuses to grant leave, the application should then be forwarded to the Head of Directorate and HR for consideration.

Timeline for Applications
Staff wishing to take unpaid leave, and have their salary averaged over the calendar year, must submit approved applications to HR by the advised date in November of the previous year (the relevant date will be circulated to all staff in autumn of each year) in order for the applications to be processed before the January salary payment run. Managers are asked to consider applications immediately and staff should follow up with their managers to ensure that their application is approved on time. Staff wishing to take unpaid leave but who are not seeking to average their salary, may submit approved applications during the year in which they seek to take the leave. However, earlier applications within a business unit may be given priority.

Salary Considerations
The shorter working year scheme allows for a period of unpaid leave and will impact on the individual's salary and allowances. Staff are advised to complete their own estimate of the impact on take home pay.

An individual who applies to avail of a continuous block of unpaid leave may opt to spread their salary over the year provided that they apply for the shorter working year scheme by the date advised, this will be circulated by HR each autumn. Otherwise the leave would be taken as a block of unpaid leave with no salary paid for the period. There may be some variations between salary payments in the different
periods of the year but every effort will be made to ensure equal payments of basic salary.

Availing of special unpaid leave could result in an underpayment of PRSI contributions. Individuals availing of this scheme should contact the Department of Employment Affairs and Social Protection to clarify their individual position.

**Salary Deductions**
If a staff member is availing of special unpaid leave and chooses not to average their salary, they are responsible for making their own arrangements in relation to the payment of voluntary deductions e.g. VHI, Union, Income continuance, etc. Where a staff member chooses to average their salary they should make their own arrangements where the reduced salary is not sufficient to cover the voluntary deductions.

**Increments & Pension**
Periods of special unpaid leave up to 13 weeks will reckon for the purposes of increments and seniority. Periods of special unpaid leave greater than 13 weeks will impact the staff members’ increment date. For pension purposes, special unpaid leave does not reckon for service.

**Opt out**
Both staff and management will have the right to postpone the period of special unpaid leave due to extenuating circumstances not later than 2 weeks before the intended date of commencement of the leave. This opt out period will be earlier if staff have applied to average their salary over the year. In this case the staff member will be notified of the latest date for opting out by the HR Department.

**Promotion**
A staff member is entitled to apply for promotional opportunity while availing of this scheme. This may result in the staff member having to return to work if they are successful.

**Annual Leave & Public Holidays**
Staff members availing of the shorter working year scheme will have their annual leave & public holidays calculated in accordance with the terms of the Organisation of Working Time Act, 1997. Entitlement may be reduced to take account of the period of special unpaid leave.

**Sick Leave**
Where a staff member avails of the shorter working year scheme and falls ill during their period of unpaid leave, he/she will be eligible for sick leave at the reduced multiplier rate during the period of special unpaid leave. Special unpaid leave patterns will not be amended to facilitate periods of sick leave.

**Other Leave**
Staff who commence maternity/adoptive leave during special unpaid leave will retain their normal statutory entitlements.

**Restrictions on Career Breaks**
A person intending to opt for a career break and currently availing of the shorter working year scheme with a salary spread option should provide HR with three
months’ notice in order to allow for any adjustments or recoupment to be made with regards to salary.

**Cancelling Shorter Working Year Arrangements**
Staff who have been approved and commenced the shorter working year scheme may cancel the arrangement with approval of their Line Manager. They need to inform HR a least one month in advance so that any amendments that need to be made with Payroll can be done in time before the relevant payroll deadlines.

**Shorter Working Year Procedure**
- Unpaid leave is subject to the exigencies of Teagasc and should be discussed with your line manager before making an application.
- Complete the application form (which may be accessed on the T-Net) and submit to your line manager for approval.
- Approved applications where salary averaging has been requested must be submitted to the HR Department by the relevant notified date each year. All other applications must be submitted to HR one month in advance of the commencement date of the special unpaid leave arrangement. You will be notified of acceptance to the scheme by HR, and you must confirm in writing your acceptance of the terms and conditions of the scheme before commencing.
- If the Programme is extended and you wish to avail of the special unpaid leave in subsequent years, you must re-apply each year. You will not necessarily be granted special unpaid leave each year.
- The operation of the scheme will be monitored by HR.
7.6 Marriage Leave

A staff member may be allowed up to 5 days leave with pay on the occasion of their marriage/civil partnership registration (ref: Circular 6/2016). The amount of this leave, together with the staff member’s annual leave allowance in the leave year in which the marriage takes place (not including leave carried forward), cannot exceed a total of 27 days.

**For Example:** A staff member has an annual leave allowance of 23 days. Therefore, the maximum amount of Leave for marriage/civil partnership registration they can be granted is 4 days.

If a staff member already has an annual leave allowance of 27 days or more per year, they are not entitled to additional leave for marriage/civil partnership registration.

**How to apply**

- The staff member must notify their line manager as soon as is practicably possible, that they wish to avail of Marriage Leave.
- The “Marriage Leave Application Form” must be completed and returned to their line manager. The line manager will submit the form to the HR Department.
- The leave will be noted on the staff member’s personnel file.
- A copy of the marriage certificate/civil partnership registration certificate should be forwarded to the HR Department as soon as possible upon the staff member’s return to work.

7.7 Jury Service and Witness in Court

**Special leave for staff members in Teagasc called as witnesses on behalf of the State**

Staff members who are required to attend court as a witness will be granted special leave and the following arrangements should be followed:

- A staff member required to attend in court as a witness on behalf of the state in criminal or civil proceedings must attend.
- Attendance may be required by means of a summons or subpoena or may be arranged through the Department.
- The attendance in court should be regarded as part of the staff member’s official duties and normal salary/wages should be paid for the period of necessary absence. They should also be granted traveling expenses and subsistence allowance subject to usual regulations.
- The amount of such traveling expenses and subsistence should be charged to the Vote for the staff members department. The staff member can ask the prosecuting authority to claim any expenses to which they may be entitled as a witness.
In civil proceedings where the State is successful, the State Solicitor should claim the amount of the travelling expenses and subsistence allowance payable to the staff member by their Department (sums recovered are normally paid to the prosecution or the State Solicitor and credited to the Vote for Law Charges. If they are received by the staff member they should be surrendered to their Department and forwarded to the Department of Finance for appropriation in aid of the Vote for Law Charges). A claim for recovery of salary or for loss of services should not be made.

**Staff members in Teagasc called as Witnesses on behalf of parties other than the State**

A member of staff will be granted special leave with pay to attend as a witness on behalf of a party other than the State provided they have been served with a summons or subpoena for the period of necessary absence.

If they are called as a witness in connection with a matter coming before them in their official capacity they should be granted travelling expenses and subsistence allowance, subject to the usual regulations.

The staff member should claim the amounts owed to them by way of travelling expenses and subsistence allowance from the party requesting their attendance.

If at all possible the staff member should give the party preliminary notice that the claim will be made.

A staff member called as witness on matters not connected with their official duty should not be paid travelling expenses and subsistence allowance but may keep any amounts by way of witness expenses.

A claim for recovery of salary or loss of service should not be made.

A staff member required to attend court as a witness during a period of annual leave will have annual leave suitably adjusted.

A staff member on annual leave required to attend in court on behalf of the State or on behalf of a party other than the State in connection with a matter coming before them in their official capacity may be paid travelling expenses and subsistence allowance, if appropriate provided the travelling and subsistence regulations relating to recall from annual leave are fulfilled.

All of the above provisions will not apply where special arrangements are in force for furnishing of expert evidence in Court by professional or technical officers at the request of parties other than the State.

**Special leave for Jury Service**

All citizens between the ages of 18 and 70 years who are entered in the register of Dail electors are qualified and liable to serve as jurors. However persons who wish to be excused from such service can be in certain circumstances.
Liability for Jury Service

Staff members within the age limits and on the register fall into three groups as follows:

(a) Those ineligible for jury service – this group cannot serve on a jury i.e. officers concerned with the administration of justice

(b) those excusable as of right – any person who has served, or attended to serve, on a jury within the previous 3 years

(c) those not within either (a) or (b) – an officer in this category is required to attend for jury service if summoned to do so. Section 9 of the Act enables the county registrar in certain circumstances, or the court to grant excusal where a good reason is shown.

Penalties

A person who has not been disqualified, ineligible for or excused from jury service fails without reasonable excuse to attend as summoned or makes a false representation with the intention of evading jury service is liable to a fine not exceeding €63. A person who serves on a jury knowing that they are ineligible is liable to a similar fine; if a person who serves knows that they are disqualified the fine may be up to €253.

Procedures

Persons summoned for jury service are given detailed information about the provisions relating to disqualification, ineligibility and excusal. In the form which must be returned to the registrar, they must indicate that they are disqualified or ineligible if that is the case. If they wish to be excused, they must apply for this on the form

Any staff member who has doubts as to what category they fall into, should contact the relevant county registrar’s office

A staff member who is summoned for jury service and who is not disqualified or ineligible should inform their line manager of the summons and if they apply for excusal should inform them of the outcome. The line manager for their part should as necessary consider whether the staff member is one in respect of whom excusal as of right in the public interest would be appropriate. If so, they should take steps towards the possible issue of a certificate as required in favour of the staff member. Please note that the certificate must be to the effect “it would be contrary to the public interest for the staff member to have to serve as a juror because they perform essential and urgent services of public importance that cannot reasonably be performed by another or postponed”.

A staff member in respect of whom such a certificate is issued should notify the county registrar of their wish to be excused from jury service, enclosing the certificate.

Time off

Staff members who attend for jury service should be given time off from duty with full pay.
8. Annual Leave & Public Holidays

8.1 Annual Leave Cycle

The annual leave year runs from 1st January to 31st December (Circular 27/2003). Under the Organisation of Working Time Act, 1997, all employees working at least 1,365 hours are entitled to a minimum statutory entitlement of 20 days per annum. There is an obligation on Teagasc to ensure that these 20 days are taken within the leave year in which they are accrued, or with the staff members consent, *within the first six months of the following leave year. Line managers should ensure that in general, 20 days per year are taken by staff members in their work area and that leave cycles are managed appropriately to prevent unnecessary accumulation of annual leave. Allowances should be made in this regard for staff members with low annual leave entitlement should they wish to carry days over.

Under the Act, all employees are also entitled to an unbroken period of two weeks annual leave after 8 months work. This may include one or more public holidays.

It is important that managers ensure that the annual leave of their staff is being managed effectively, to avoid excessive leave being carried over each year. It is also important from a health and safety point of view that all staff are availing of their annual leave.

It is Teagasc’ policy to ensure that the statutory minimum entitlement, in addition to the balance of the standard leave allowance, is taken in the year in which it is accrued. Where it is not possible, due to the exigencies of work or due to special circumstances, to grant/take leave which would otherwise be allowable, a carry over of leave may be permitted provided that the leave or carry over of leave has been applied for in writing in sufficient time before the year end. If this is the case, leave may be carried over on the basis of the three year cycle outlined below (and in accordance with * in paragraph one above).

Three Year Cycle Explained

Year 1: At the end of the first year of the cycle any relevant untaken leave may be carried forward to Year Two.

- **Example:** Your standard annual leave allowance is 29 days. In 2015 you have 29 days annual leave. You take the statutory minimum (20 days) and carry forward 9 days to Year 2.

Year Two: A special effort must be made for any leave carried forward from Year 1 to be taken in Year 2. If this is not possible owing to the exigencies of work, the untaken balance may be carried forward to Year 3.

- **Example:** In 2016 you have 29 days annual leave plus 9 days carried forward from 2015 amounting to a total of 38 days. You take 31 days leave and carry forward 7 days to Year 3.

Year Three

At the end of the third year of the cycle, carry-over is limited to the difference (if any) between the statutory minimum annual leave allowance (20 days) and the officer’s normal annual leave allowance which has been accrued during the third year of the cycle. If the staff member takes more than the statutory leave, they can only carry forward the difference between what they have taken and their normal leave allowance. Where leave is carried into Year 3, it will then become Year 1 of the cycle.
Example: In 2017 you have 29 days leave plus 7 days carried forward from Year 2 amounting to a total of 36 days. You take 24 days annual leave. You are only entitled to carry over 5 days annual leave (which is the difference between what you took and the normal leave allowance i.e. 29-24 = 5), the remaining 7 days will be forfeit. 2017 now becomes Year 1 of the cycle and you are carrying the 5 days leave forward to Year 2 of the cycle (2018).

Who is the three year cycle applicable to?
The three year cycle was introduced on the formation of Teagasc (i.e. the 9th September 1988). It is preferable that all Teagasc staff use the three year cycle. However, staff who are currently using the one year cycle may retain their entitlement to it on a personal to holder basis. Anyone currently using the one year cycle has the option to opt into the three year Teagasc cycle if they so wish. Staff retaining their entitlement to the one year cycle must do so in accordance with the original regulations as set out below.

The one year cycle is subject to a maximum carry-over of 7 days in any leave year. If any staff member wishes to carry over leave in excess of the 7 days, this must be approved by the line manager at least one month before the end of the leave year stating the amount of carry over required, the reason for it and the resulting effect on the following leave year.

It should be noted that staff recruited on or after the 1st January 2010 must use the three year cycle.

Note in relation to Commencement of the Cycle
It should be noted that the cycle will only commence the year you do not exhaust your standard leave allowance. For example if your standard leave allowance in 2015 is 25 days and you use all of those days in 2015, 2016 will be year 1 of the cycle again. The cycle only begins when you carry over leave, i.e. as outlined in the previous section above.

Sequence in which annual leave must be taken
In any leave year, leave must be taken in the following sequence:

1. Any part of the statutory minimum allowance carried forward from the previous year must be taken in the first six months of the new leave year.
2. Followed by the statutory minimum allowance accrued during the leave year.
3. Followed by any leave allowance in excess of the statutory minimum
4. Followed by any leave allowance in excess of the statutory minimum which has been carried forward from a previous year(s).
Effect of other leave on annual leave

Maternity Leave
Annual leave for the year is not affected by taking maternity leave. A staff member is still entitled to their full annual leave entitlement while on paid or unpaid maternity leave. However, additional attention should be paid to the management of annual leave on return from maternity leave. Where an accumulation of annual leave has occurred, the staff member must agree a plan for the management of that annual leave with their line manager, subject to the exigencies of work.

Special Leave
Staff who work less than 1365 hours in a leave year (e.g. because they have availed of special leave, which does not reckon for the purposes of accruing annual leave), will normally be calculated at a rate proportionate to the annual leave allowance for the relevant grade.

Work-sharers/Part Time Workers
Staff who are work-sharing or working part time will have their annual leave calculated on a pro-rata basis.

Sick Leave
A member of staff who is on certified sick leave (either on full pay or half pay) will continue to accrue annual leave. Statutory annual leave is accrued when a staff member is absent from duty on temporary rehabilitation remuneration (TRR) or sick leave without pay (this can be carried over for a period of 15 months post the leave year in which it is accrued). A staff member should be paid the normal rate of pay while absent on annual leave accrued during relevant periods of sick leave, including annual leave accrued while on half pay or TRR/sick leave without pay.

Parental Leave
A member of staff who is on parental leave will continue to accrue annual leave and this should be managed in accordance with the annual leave cycle.

How to Apply

- At the earliest possible convenience (at least 3 days in advance for leave exceeding two days), a staff member should put in a request for annual leave with their line manager
- If the line manager is agreeable to the days requested, the dates should be indicated on the staff member's annual leave sheet and signed by their line manager
- All annual leave should be recorded and managed locally within the staff member's department/office/centre/college.
8.2 Annual Leave Allowances

Staff recruited or promoted on or after the 1st January 2012 will be entitled to a minimum of 22 days annual leave and a maximum of 30 days annual leave.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Allowance</th>
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<tbody>
<tr>
<td><strong>Research / Administration</strong></td>
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<tr>
<td>Heads of Directorates</td>
<td>32</td>
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<tr>
<td>SPRO / SPAO</td>
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<tr>
<td>PRO / PAO</td>
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<tr>
<td>SRO / SAO</td>
<td>32</td>
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<tr>
<td>RO (on or above 6th point)</td>
<td>29 rising to 31 after 10 years</td>
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<tr>
<td>RO (on 3rd, 4th or 5th point)</td>
<td>27</td>
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<tr>
<td>RO (on 1st or 2nd point)</td>
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<tr>
<td><strong>Research Technician</strong></td>
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<td>PEO</td>
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<tr>
<td>EO1</td>
<td>32</td>
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<tr>
<td>Amalgamated Grade / EO2</td>
<td>29 rising to 31 after 5 years</td>
</tr>
<tr>
<td>Career</td>
<td>25 rising to 29 after 5 years and 31 after 10 years</td>
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<tr>
<td>Entry</td>
<td>22</td>
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<tr>
<td><strong>Post Doctoral Research Fellow</strong></td>
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<tr>
<td><strong>Technician Grades 1 to 3 (Including College Technicians)</strong></td>
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<tr>
<td>Grade 1</td>
<td>22</td>
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<tr>
<td>Grades 2 and 3</td>
<td>25 rising to 29 after 5 years and 31 after 10 years</td>
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<tr>
<td><strong>Technologist</strong></td>
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<tr>
<td>Technologist</td>
<td>25 rising to 29 after 5 years and 31 after 10 years</td>
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<tr>
<td><strong>Advisory Grades 1 to 5</strong></td>
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<tr>
<td>Grade 4 / Grade 5</td>
<td>32</td>
</tr>
<tr>
<td>Grade 2 / Grade 3</td>
<td>32</td>
</tr>
<tr>
<td>Grade 1 – Officers with 5+ years’ service</td>
<td>29 rising to 31 after 10 years</td>
</tr>
<tr>
<td>Grade 1 – Officers with less than 5 years</td>
<td>25</td>
</tr>
<tr>
<td><strong>Grade 3</strong> who transferred to ACOT from County Committees of Agriculture on 1.7.80 who were appointed to Grade 3 (CADO) before 31.12.83</td>
<td>32</td>
</tr>
<tr>
<td><strong>Grade 1</strong> who transferred to ACOT from County Committees of Agriculture on 1.7.80</td>
<td>31</td>
</tr>
</tbody>
</table>
or who were recruited by ACOT as Instructors in Agriculture / Horticulture / Poultry / Farm Home Management before 31.12.83

<table>
<thead>
<tr>
<th>Clerical / Administrative - Teagasc</th>
<th>Pre 2012</th>
<th>Post 2012</th>
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<tbody>
<tr>
<td>Grade 6</td>
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<tr>
<td>Grade 5</td>
<td>32</td>
<td>30</td>
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<tr>
<td>Grade 4</td>
<td>29 rising to 30 after 5 years and 31 after 10 years</td>
<td>29 rising to 30 after 5 years</td>
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<tr>
<td>Grade 3</td>
<td>23 rising to 24 after 5 years and 25 after 10 years</td>
<td>23 rising to 24 after 10 years</td>
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<tr>
<td>Grade 2</td>
<td>23 rising to 24 after 10 years</td>
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<th>Clerical / Administrative – Ex AFT</th>
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<tr>
<td>Grade 4</td>
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<tr>
<td>Grade 3</td>
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<td>Grade 2</td>
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<th>Clerical / Administrative – Ex ACOT</th>
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<tr>
<td>Grade 3*</td>
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<td>Grade 2*</td>
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<tr>
<th>Farm and Domestic **</th>
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<tr>
<td>25 (including Good Friday)</td>
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<th>Matrons</th>
<th>Pre 2012</th>
<th>Post 2012</th>
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<tr>
<td></td>
<td></td>
<td>25 days rising to 29 after 5 years and 31 after 10 years</td>
</tr>
</tbody>
</table>

*In accordance with Labour Court Recommendation no. 10667, this applies to staff employed by ACOT between the date of its establishment in 1980 and 21 August 1986 (the date of the Labour Court Recommendation)

** In accordance with Labour Court Recommendation no 21035.

Please Note:

- Where the annual leave allowance of a grade is stated to increase after a specified period of years, this refers to the years of service in the particular grade. The service in the grade need not be continuous. However, a staff member who may be in an acting capacity at a higher post will be permitted to attract the increased allowance for the period of service at the higher post.

- Under the terms of the Protection of Employees (Fixed Term Work) Act 2003, temporary/contract staff members have the same entitlements as permanent staff.

- All staff are entitled to an additional paid day off on Good Friday.

- The above entitlements will be pro-rated in respect of staff availing of reduced working arrangements (with the exception of parental leave)
In the case of grades that attract an annual leave allowance of 32 days as outlined above; new staff recruited to those grades/existing staff who receive a promotion to those grades will be subject to a maximum of 30 days annual leave. Therefore staff may be subject to a reduction in annual leave on promotion.

8.3 Anticipation of Future Annual Leave

A staff member, in the last 3 months of the year, who is faced with a compelling but unforeseen social obligation involving absence from duty (e.g. wedding of a relative or close friend), and whose annual leave has been exhausted, may be allowed to avail of 2 days annual leave allowance from the next leave year.

This may not be granted, however, if the line manager feels that the staff member will not give sufficient future service to cover the annual leave which they wish to take.

How to apply

- The “Special Leave Application Form” should be completed by the staff member and given to their line manager.
- It will then be at the discretion of the line manager (who may consult with the HR Department) whether or not to grant this leave.
- If the leave is granted, the staff member will be notified and the dates will be recorded on the staff member’s annual leave sheet for the following year. The line manager will sign the leave sheet and the leave recorded as usual.
8.4 Public Holidays

A public holiday is a statutory entitlement, as set out in the Organisation of Working Time Act, 1997. Public Holidays should not be confused with "Bank Holidays" such as Good Friday, which are not covered by the Act and to which there is no legal entitlement. However, Teagasc allows its staff to avail of Good Friday as an additional paid day off.

There are nine official public holidays as follows:

- New Year’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

Full-Time Staff Members

Full-time staff members have an automatic entitlement to all public holidays (provided they have worked at least 40 hours in the previous 5 weeks ending on the day before the public holiday) and are entitled to one of the following, whichever Teagasc determines:

- A paid day off on the day
- A paid day off within a month of that day
- An additional day of annual leave
- An additional days pay

In all cases for full-time staff members, additional leave or additional pay will be based on a full day (i.e. 7 hours). In general, Teagasc offices are closed on public holidays and therefore staff will generally be given a paid day off on the day.

Part-Time Staff Members

Part-time staff must have worked at least 40 hours in the 5 weeks ending on the day before the public holiday in order to qualify and are entitled to one of the following on a pro-rata basis, whichever Teagasc determines:

- Paid time off on the day
- Paid time off within a month of that day
- Additional leave
- Additional pay

If the public holiday day falls on a day which the part-time staff member normally works, they are entitled to their ‘normal day’s pay’ for the day. In other words, it will not be necessary to make any adjustment to their pay in respect of that public holiday.

If the public holiday falls on a day which the part-time staff member is not normally required to work, they are entitled to an additional one fifth of their normal weekly hours to be taken as additional pay or additional leave. It is at the discretion of Teagasc to determine whether it will be additional pay or leave, but in general the staff member will be given time off in lieu.
Example
A staff member works half time (17.5 hours) as follows: half day Wednesday, full day Thursday and Friday. A Public Holiday falls on Monday, a day they are not normally required to attend work. Therefore they are entitled to an additional one fifth of their normal weekly hours to be taken as additional leave or additional pay (3.5 hours). An adjustment will be required to their salary if they are given additional pay.

Worksharers
Worksharers are distinct from part time workers on the basis that they fill a proportion of a full time post. Under the work-sharing arrangements there are two categories which must be considered:

a) Worksharers who share the post equally with both working half time
b) Worksharers who do not have a work-sharing partner and work an alternative pattern

For those who share the post equally with both working half time there are three patterns:
1) Week on week off
2) Three days on two days off
3) Mornings or afternoons only

For those who do not have a work-sharing partner there are two patterns:
1) Three weeks on one week off
2) 2/5, 3/5 or 4/5 of the normal working week

A. Those Work-sharing Equally
Where two people are work-sharing equally and the pattern is such that one person is likely to benefit more from public holidays (i.e. any pattern other than mornings or afternoons only), the attendance pattern should be alternated in such a way that both people will benefit equally from the public holiday

In this case, the staff member who is scheduled to work on the public holiday will be entitled to one of the following on a pro-rata basis, whichever Teagasc determines

- Paid time off on the day
- Paid time off within a month of that day
- Additional leave
- Additional pay

The other worksharer who is not scheduled to work on that day will be entitled to an additional one tenth of their normal working hours in the previous two weeks, to be taken as additional leave or additional pay, whichever Teagasc determines.

Example
Two staff members work week on/week off in an equal workshare arrangement. There are 9 public holidays, and Good Friday i.e. 10 days in total. Therefore the pattern should be such that each person will be rostered to attend at work for 6 of those days.

For each public holiday, the person who is rostered to attend at work will be entitled to paid time off on the day. In other words, it will not be necessary to make any adjustment to their pay.

The person who is not rostered to attend at work, will be entitled to an additional one tenth of their hours in the previous two weeks, to be taken as additional leave or
additional pay. As they work week on week off, each person works 35 hours in a two week period. Therefore they would be entitled to an additional 3.5 hours (1/10 of 35) to be taken as additional leave or additional pay. An adjustment will be required to their salary if they are given additional pay.

Where the person does not have a work-sharing partner they are entitled to one of the following:

a) If they are rostered to attend on the public holiday, they are entitled to a paid day off on that day i.e. no adjustment will be made to their pay

OR

b) If they are not rostered to attend on the public holiday, they are entitled to an additional one tenth of the normal working hours in the previous two weeks to be taken as additional pay or additional leave. An adjustment will be required if they are given additional pay.

General Points to Note

Public Holidays
In general, staff who are normally rostered to work on a public holiday will be given paid time off in respect of that day due to the fact that Teagasc premises are usually closed on these days.

However, if it is necessary for the staff member to work on the public holiday, they would be entitled to additional time off or additional pay in accordance with the regulations.

Pro-Rata
In all cases related to worksharers and part-time workers, normal pay/paid time off/additional leave is pro rata that of an equivalent full-time worker. The pro-rata amount is determined by the total number of hours worked.

Statutory Leave
Staff on statutory leave e.g. maternity leave, parental leave, adoptive leave etc., maintain their public holiday entitlement for the duration of the absence and as such any public holidays that fall during such leave should be taken immediately at the end of the leave.
9. Sick Leave

9.1 Sick Leave Scheme
The new Public Service Sick Leave Scheme was introduced on the 31 March 2014 and applies to all Teagasc staff. If you are absent from work on sick leave, you may have access to paid sick leave, subject to the limits that are set out below.

Paid Sick Leave

The new scheme provides for:
- 7 days uncertified sick leave in any 2 year period
- A maximum of 92 days sick leave on full pay in a year
- Followed by a maximum of 91 days sick leave on half pay
- Subject to a maximum of 183 days paid sick leave in a rolling four year period.

Temporary Rehabilitation Remuneration (TRR)
If you have exhausted 183 days paid sick leave in a rolling 4 year period and are absent on sick leave again, you may be granted Temporary Rehabilitation Remuneration for a further 548 days. Temporary Rehabilitation Remuneration used to be called “Pension Rate of Pay” and will be calculated in the same way. Temporary Rehabilitation Remuneration will only be available when there is a realistic prospect that you will be able to return to work following your illness.

Critical Illness Provisions (CIP)
Additional support for staff who are critically ill has also been agreed. The criteria for assessing whether someone is eligible for extended sick leave as a result of critical illness or serious physical injury are set out in the Critical Illness Protocol.

If someone becomes critically ill or has a serious physical injury and is eligible for support under the CIP they may have access to:
- A maximum of 183 days on full pay in a year
- Followed by a maximum of 182 days on half pay
- Subject to a maximum of 365 days paid sick leave in a rolling four year period.

If you have exhausted 365 days extended paid sick leave under the CIP, you may be considered for a maximum of 12 months Temporary Rehabilitation Remuneration in the first instance. Management may then consider paying TRR for a further period of time not exceeding 730 days. This is subject to 6 monthly reviews and may only be granted where the occupational health physician has confirmed there is a reasonable prospect of a return to work. For further information in relation to CIP please contact the HR Department.

Treatment of Previous Periods of Sick Leave under the New Scheme
As has always been the case, sick leave records will continue to be reviewed over a rolling 4 year period. This means that if you have been paid more than 183 days sick leave in a rolling 4 year period on the commencement date, you may not get paid the next time you are off sick or you may only be paid Temporary Rehabilitation Remuneration.
Staff Responsibilities
Teagasc will continue to have an employment relationship with any staff member while they are on sick leave. During such times, staff will be expected to maintain contact with their line manager and actively engage with the Occupational Health process as required. This section outlines the procedures which must be followed by staff that are unable to attend at work due to injury or ill-health:

(i) Notification

- On the first day of each absence, the staff member must notify their line manager before 10am that they will be absent from work (unless there are extenuating circumstances). The notification must state the reason for absence and the probable date of return to work. Where there are extenuating circumstances it is accepted that another person acting on behalf of the staff member may contact the relevant line manager as outlined above.
- Where a staff member will be on sick leave for a scheduled procedure or operation etc., and this is known in advance, line managers must be notified as soon as reasonably possible in order to plan for the staff member’s absence.

(ii) Medical Certification

- Staff should be aware that the production of a medical certificate in itself does not entitle them to sick leave; the granting of which is at the discretion of Teagasc.
- A medical certificate must support any sick absence in excess of 2 successive working days (4 days if Saturday and Sunday are included). The medical certificate must clearly state a start and end date. The certificate must be given to your manager and a copy to the local administrator where relevant (i.e. larger centres/regions) as soon as possible.
- Medical certificates must state the name, address and contact telephone number of the medical practice attended. They must also be signed by an appropriate medical professional. While it is not compulsory that the nature of the illness is stated in all cases, it is preferred.
- Where a medical certificate indicates work related stress, this may result in referral to Occupational Health, with cognizance to duty of care and the employee’s wellbeing.
- Final medical certificates which are submitted upon returning to work must state the date that the staff member is fit to resume duty. Where a final medical certificate only provides an end date, a further medical certificate may be requested.
- It should be noted that applications to social welfare for illness benefit are not acceptable in lieu of medical certificates.

(iii) Illness Benefit (PRSI)

- This section is relevant to staff who pay Class A1 PRSI only. You can identify your PRSI Class from your payslip (under the details section, bottom left hand side)
- After 6 days of continuous sick leave for staff members on Class A1 PRSI, payroll will deduct illness benefit. In order to ensure that the correct amount is deducted, you must complete an application form and submit it to the Department of Employment Affairs and Social Protection so that your salary can be adjusted accordingly. Application forms can be obtained from your G.P. or from the Department of Employment Affairs and Social Protection
website. The standard personal rate will be deducted until payroll is notified of the correct rate by social welfare. At this point your salary may be adjusted in the form of a further deduction or a refund.

(iv) Return to Work

- Immediately upon return to work following any uncertified sick leave, the staff member must complete a self-certification form. This must be signed by the line manager and submitted to the person with responsibility for recording sick leave. (Circular 05/2018)
- A staff member may be invited to attend a return to work meeting with their manager in any of the following circumstances (i):
  1. Return to work following long term absence, or
  2. Return to work following an occupational injury or work related stress, or
  3. Absence of such a nature and/or pattern as to give cause for concern

Managers Responsibilities

Managers must be committed to consistent application of the Sick Leave & Occupational Health Policy. Their responsibilities include:

- Being clear and consistent in relation to attendance expectations
- Ensuring an efficient & effective workplace culture
- Assisting in the maintenance of a motivational atmosphere
- Referring staff to/making staff aware of the Employee Assistance Programme as appropriate
- Maintaining supportive contact with staff members on sick leave
- Notifying HR in relation to any workplace issues which may impact on the wellbeing of staff
- Identifying and addressing any shortfalls as soon as they arise
- Conducting return to work meetings as appropriate

Annual Leave & Public Holidays

Staff may not take annual leave in the place of sick leave. Staff may be allowed to take sick leave if they become ill while on annual leave. In such instances, the staff member must notify their manager in a timely manner and provide a medical certificate for the relevant period in question. Where annual leave is sought directly after sick leave, managers may at their discretion request a certificate of fitness to resume duty.

Staff members who are on certified sick leave at either full pay or half pay will continue to accrue annual leave. Statutory annual leave will be accrued while on temporary rehabilitation pay or on sick leave with no pay. The statutory leave accrued can be carried for a period of 15 months post the leave year in which it was accrued. On resumption of duty the annual leave accrued during sick leave will be calculated and the staff member will be informed of their entitlement. A plan must be put in place for the management of such leave in accordance with the regulations.

Staff members who are on certified sick leave due to an occupational injury will be entitled to benefit from any public holidays that fall during the first 52 weeks of sick leave. Staff members who are absent on certified sick leave due to illness or injury will be entitled to benefit from any public holidays that fall during the first 26 weeks of sick leave. These days may be added to the staff members’ annual leave on resumption of duty and must be managed accordingly.
Promotion & Sick Leave
When considering a staff member’s suitability for promotion, acting up or transfer; sick leave records over the previous four years will be examined in order to ascertain if the staff member is capable of providing regular and effective service.

The limits to be applied are not more than 56 days and not more than 25 sick absences in the previous four years, or pro-rata where the service of the staff member is less than four years. However, in examining this, consideration will be given to the nature of the illness in accordance with Circular 05/2018.

Hospital Appointments
Where a staff member is not on sick leave and they must attend a scheduled hospital appointment (e.g. scan, consultant appointment etc), the staff member is allowed paid time off to attend this appointment provided they can produce a certificate or letter to show that they attended the appointment. It is sufficient to produce this documentation for your line manager and it is not necessary to provide the HR Department with a copy. This should not be recorded as sick leave.
10. Equality & Dignity at Work

10.1 Equal Opportunities Policy

Policy Statement

Teagasc is committed to a policy of equality of opportunity in its employment practices, policies and procedures. It will ensure that no applicant or staff member receives less favourable treatment on the grounds of:

- Gender
- Marital Status
- Family Status
- Disability
- Age
- Religion
- Sexual Orientation
- Race
- Colour
- Nationality or ethnic or national origins
- Membership of the traveling community

Staff members will be selected, promoted and treated on the basis of their capacity, suitability and according to the requirements of the post. Recognising the commitment of management and staff required to make this policy fully effective, Teagasc will seek to ensure that equal opportunities in employment is part of ‘best practice’ in the organisation and in line with the Code of Practice.

Code of Practice

For the promotion of equal opportunities and best employment practices, a code of practice has been devised in the following areas:

- Recruitment/selection
- Advertising posts in Teagasc
- Interview panels
- Staff/career development
- Working arrangements
- Equal pay
- Intimidation/bullying and sexual harassment
- Publications
- Complaint procedures
- Monitoring

Recruitment/selection

General

Under the Employment Equality Act 1977 it is unlawful for an employer to discriminate directly or indirectly against a staff member or a prospective staff member in relation to access to employment on the grounds of gender or marital status. It is also unlawful to classify a post by reference to gender. Under the terms of the Employment Equality Act, 1998 the grounds under which it is unlawful to discriminate directly or indirectly have been widened to include family status, disability, age, religion, sexual orientation, race, colour, nationality, ethnic or national origins or membership of the traveling community.
Qualification and Requirements
To ensure that indirect discrimination does not occur, qualifications and requirements i.e. experience, aptitude and potential, will be in line with what is necessary to fill the position.

Application for Posts
Application forms will only require necessary and relevant information. Where selection procedures are used, these will relate directly to the genuine requirements of the post.

Advertising Posts in Teagasc
In accordance with and subject to the provisions of the Employment Equality Acts, 1977 and 1998, all posts in Teagasc are open to suitably qualified men and women applicants in line with the policy statement. Advertising of all appointments in Teagasc will reflect the commitment to equality of opportunity and in line with the policy statement.

The language used in advertising a position will be gender inclusive and where titles might imply that persons of one sex are being sought, it will be stated clearly that applications from both sexes are being sought.

Where in practice only men or only women are likely at present to be qualified or apply for a particular position, advertisements will state that applications are being sought from both sexes.

Recruitment and promotion documentation and publicity material including all appointment advertisements, descriptions and application forms will include an equal opportunity statement.

Consistent with the policy of providing equal access to all jobs, advertisements should be given the widest possible circulation. This does not preclude local advertising of positions where appropriate.

Interview panels
It is the responsibility of the HR Department to ensure that all those involved in the appointments procedures are fully aware of their obligations in line with the policy statement and comply with these.

Members of interview boards will be instructed in good interview practice and in the prevention of discrimination. Teagasc will ensure that, as far as possible, interview panels will be gender inclusive.

Staff/Career development
It is unlawful under the Employment Equality Acts, 1977 and 1998 to discriminate on grounds of gender, marital status, family status, disability, age, religion, sexual orientation, race, colour, nationality, ethnic or national origins and membership of the traveling community in relation to training, transfers or promotion.

General
Those with staff responsibilities must not make assumptions about future career intentions or family responsibilities which would adversely influence decisions about staff training and development.
While responsibility for development rests jointly with the individual and their manager, management should ensure that all staff, men and women, are informed of and encouraged to pursue personal and career development opportunities open to them.

In line with the policy statement, bias or any assumption regarding mobility or length of future service should not be introduced into formal and informal staff review, appraisal or assessment systems.

**Counselling**  
Access to formal or informal counselling should be equally available to all staff.

**Training**  
Training, both formal and informal, is important to career development and job enhancement, and will be equally available to all staff.

Where no persons, or an insignificant number of persons of one gender have been engaged during the previous 12 months in a particular type, form or category of work, the Employment Equality Acts 1977 and 1998 allow for relevant training exclusively for persons of that gender i.e. special training, including single sex training may be required to prepare women for participation in non-traditional roles.

**Promotion**  
It is the responsibility of the HR Department to ensure that all those involved in the promotion procedures are fully aware of their obligations in line with the policy statement and comply with these.

Promotion within Teagasc shall be determined solely by the application of objective criteria and personal performance and suitability.

**Work Rotation/Work Experience**  
Work rotation is recognised as an important element of on the job training and development. This facility will be available to all staff subject to work requirements.

Work should not be allocated in such a manner as to disadvantage men or women in the matter of gaining work experience.

**Working arrangements**  
Efforts should be made to enable staff to combine their work and family responsibilities. Career breaks/job sharing/parental leave, etc. are available options. Access to flexible working arrangements will be equally available to men and women.

**Equal pay**  
Teagasc is an equal opportunities employer and fully subscribes to the principle of equal pay as defined in the Anti-Discrimination (Pay) Act of 1974, which confers an entitlement to equal pay and benefits on men and women.

All payment agreements, whether negotiated through the mechanism of a national pay round or as an internal Teagasc agreement will take the provisions of this Act into account.

**Publications**  
Authors should be aware of the need for men and women to be represented in positive rather than stereotypical fashion and publications will be monitored to ensure
that occurs. Language should be reviewed to identify gender inclusive rather than gender specific terms.

**Complaints procedures**
Complaints procedures are based on the principle of fairness. These procedures incorporate both informal and formal ways of redressing issues at local and national level with the support of the HR Department.

**Monitoring**
Ensuring that all aspects of HR administration are in line with the policies outlined in this document will be the responsibility of the HR Department and Management. The gathering of statistical data to monitor progress of these policies will occur on a yearly basis. This type of audit will highlight any deficiencies in the practices and procedures of Teagasc with regard to these policies.
10.2 Dignity at Work Policy

1. Introduction and Executive Summary

Teagasc is committed to protecting dignity and respect across the organisation. This document has been adopted from the Civil Service Dignity at Work Policy (published in 2015) which was developed in partnership between Civil Service management and staff unions through the Equality Sub Committee of General Council, and replaces the current Teagasc Dignity at Work Policy which was published in 2006. This policy aims to promote respect, dignity, safety, and equality in the workplace. Every member of staff should be aware that all forms of bullying, harassment, and sexual harassment are unacceptable and every member of staff has a duty to behave in an acceptable and respectful manner.

Section 2 of the policy sets out the aims of the policy.

Section 3 of this policy defines bullying, harassment, and sexual harassment. It also outlines the difference between bullying, harassment, and sexual harassment as defined by this policy and what may be considered as normal workplace conflict.

A key aim of the policy is to provide awareness regarding the steps which individuals may take if they believe that they have been bullied, harassed, or sexually harassed. Section 4 of this document outlines the recommended procedures which should be followed by all parties to complaints regarding bullying, harassment, and sexual harassment.

As part of the revised procedures, a new role, that of the Designated Person, is being introduced to the process for the first time. The introduction of this role was required by the HSA Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, and guided by the principles set out therein. Also as part of the revised procedures, the role of the Contact Person will generally be provided by trained members of the organisation, contact details of which can be found in Appendix D.

The intention of this policy is to encourage the use of informal resolution methods and the use of mediation as often and as early as possible during disputes. Complaints should only proceed to formal investigation once efforts to utilise local resolution methods or mediation have been exhausted, or are considered to be unsuitable due to the nature of the complaint.

Finally, dealing with issues regarding bullying, harassment, or sexual harassment can be stressful and distressing for all parties concerned. A significant amount of advice and support is available. A list of useful contacts can be found in the appendices to this document.

This revised policy comes into effect from 1st June 2018.

2. Policy Statement

Aim of the Policy

2.1. The key aims of this policy are to:
   - Achieve a work environment where dignity and respect are to the forefront of our values
• Create an environment where bullying, harassment, and sexual harassment are not tolerated in any form
• Ensure that each individual is aware of his/her responsibility to behave in a way that reflects a culture of dignity and respect.

Principles underlying the Policy

2.2. It is Teagasc policy that every member of staff has a right to work in an environment free of any form of bullying, harassment, or sexual harassment. These behaviour(s) are totally unacceptable. Aside from the impact upon the individual and colleagues, such behaviour(s) can harm working relationships, undermine morale, and damage efficiency across the workplace.

Each individual has a responsibility to ensure that his/her behaviour reflects a culture of dignity and respect. These procedures provide a framework for those who believe they have experienced bullying, harassment, or sexual harassment.

All complaints or queries raised in relation to bullying, harassment and sexual harassment will be treated seriously, fairly, and in the strictest of confidence. Complaints should be progressed promptly and the cooperation of all parties involved in a dispute must be given in progressing the matter in accordance with the processes set out in Section 4. This policy emphasises the importance of an informal resolution of a problem where possible, and highlights the use of mediation as a valuable tool when dealing with workplace conflict.

It is important that complaints which are made under this policy are genuine and not vexatious in nature. Such behaviour undermines genuine complaints made by colleagues, may cause stress and upset to those wrongly accused, and can waste the time of those working to investigate the complaint. Malicious or vexatious complaints are viewed as misconduct, will not be tolerated, and may be subject to disciplinary procedures.

Legislative Commitments

2.3. The Employment Equality Acts 1998-2011 place an obligation on all employers in Ireland to prevent harassment in the workplace. Harassment and sexual harassment on any of the following grounds – gender, civil status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community – are all forms of discrimination in relation to conditions of employment.

Bullying in the workplace can impact upon the health, safety and welfare of staff. Under the Safety, Health and Welfare at Work Act 2005, employers have a duty to prevent any improper conduct or behaviour which is likely to put the safety, health and welfare of employees at risk. This obliges senior management, and line managers, to ensure that reasonable steps are taken to ensure a work environment free of bullying, harassment or sexual harassment. This includes developing an anti-bullying policy, and dealing with established complaints of bullying in the workplace. Employers are required to deal with complaints as a priority issue.
This Act also outlines the duty of staff not to engage in behaviour which would endanger the health, safety and welfare of the individual or other members of staff.

The Health and Safety Authority’s (HSA) Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work also highlights that bullying, harassment or sexual harassment should not be tolerated in the workplace. The HSA Code of Practice contains guidance notes for employers and employees, which have been incorporated in the complaints process contained in section four of this document.

The HSA Code of Practice includes the role of ‘Designated Person’, who will oversee each complaint which is referred to the HR Department. A more detailed description of this role can be found in Appendix B of this document.

The Labour Relations Commission has also published a Code of Practice for Addressing Bullying in the Workplace. This also sets out that employers must take reasonable steps to prevent bullying in the workplace, and to have established procedures for dealing with complaints of bullying.

The Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2012 (S.I No. 208 of 2012) contains a number of obligations for employers, such as ensuring that policies and procedures are in place and are accessible to staff, and to ensure that natural justice and impartiality are adhered to during investigations. This also sets out an obligation for employers to take reasonably practicable steps to prevent bullying, harassment or sexual harassment in the workplace, to reverse the effects of it, and to take reasonable steps to prevent its re-occurrence.

Timelines

2.4. The timelines outlined within this code should be treated as a guide to all parties involved in the complaints process. It is in the interests of all parties that complaints are progressed in a timely and efficient fashion, in compliance with the timelines in this policy.

3. Definitions

Bullying

3.1. Repeated inappropriate behaviour, direct or indirect whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual’s right to dignity at work.

Examples of bullying (not exhaustive):

- Verbal: personal insults, demeaning remarks, regular humiliation often in front of others, nicknames, ridicule, threats;

- Non-verbal or indirect: exclusion with negative consequences, hostile attitude, spreading malicious rumours;

Abuse of power: regular excessive and inappropriate criticism, deliberately and maliciously withholding work-related information in order
to undermine a colleague, repeatedly manipulating a person’s job content and targets without due cause;
- Physical: aggressive behaviour, physical intimidation, unwelcome physical contact up to and including assault;
- Communications technology: insulting texts, emails, derogatory comments on social media.

An isolated incident of the behaviour described in this definition may be an affront to an individual’s dignity but, as a once-off incident, is not considered to be bullying.

**Harassment**

3.2. Harassment is defined in Employment Equality legislation as any form of unwanted conduct related to any of the discriminatory grounds which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The nine discriminatory grounds are:

- Gender
- Civil status
- Family status
- Sexual orientation
- Religion
- Age
- Disability
- Race
- Membership of the Traveller community

Harassment may consist of a single incident, or repeated inappropriate behaviour.

Examples of Harassment (not exhaustive):

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including faxes, text messages, emails, notices or comments on social media
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from social activities

**Sexual Harassment**

3.3. Any form of unwanted verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Sexual Harassment may consist of a single incident, or repeated inappropriate behaviour.

Examples of sexual harassment (not exhaustive):

- Sexual jokes, stories, comments, use of telephone (including text messages), fax or radio systems for inappropriate suggestive comments;
- Display of offensive pictures, slogans, graffiti, written suggestive materials, etc. through email or otherwise (including a display of pornographic or
sexually suggestive pictures or objects);
- Telling lies or spreading rumours about a colleague’s sex life;
- Unwanted physical contact ranging from unnecessary touching to assault;
- Persisting in unwelcome attempts to form a relationship, or continue a relationship to which one party has not consented, or for which s/he have withdrawn his/her consent.

**Management of Performance**

3.4. It is the duty of management to be open with staff about performance, attendance or general conduct. Bullying and harassment do not arise where critical comments are made in an honest and constructive manner, are backed up by clear facts and are imparted in a reasonable way. The following behaviour does not constitute bullying or harassment:
- The proper exercise of authority by management;
- Constructive and fair criticism of a staff member’s conduct or work performance.

Where issues arise in this area, it may be more appropriate to address them under the Teagasc Grievance Procedure/PMDS Appeals Procedure.

**General Disputes**

3.5. It is acknowledged that occasionally there may be disputes or disagreements between colleagues which, although they can evoke strong feelings and result in a difficult working environment, may not match the definitions of bullying, harassment or sexual harassment as outlined above.

While resolving such disputes may be difficult, civil servants are encouraged to address disputes in a proportionate way, availing of existing mechanisms, supports and procedures in the process. Parties to such disputes may seek to resolve issues in accordance with the principles of mediation, namely, voluntary participation, positive engagement, moderate language, and respectful thinking.

Local managers, or internal or external professionally qualified mediators if required, will facilitate this process in accordance with these principles.

Should the mediation process be either unsuitable or unsuccessful in resolving general disputes, the Teagasc Grievance Procedure should also be considered as an alternative resolution method.

**4. How to deal with Bullying, Harassment, & Sexual Harassment**

4.1. Please note that the steps outlined below are an overview of the potential steps involved in resolving a complaint. Individuals are not required to follow each step in a linear or sequential fashion. For example, a complaint may proceed directly to the Designated Person phase, or not proceed further than the Local Resolution phase as appropriate.

4.2. Timelines are mentioned at several stages in the process. It is in the interest of all
parties that complaints are progressed in a timely and efficient fashion. Therefore, those managing the complaints process should adhere to timelines wherever possible. Similarly, individuals involved in a complaint should fully co-operate with and participate in the process.

4.3. Where it is not possible to adhere to timelines at any stage of the process, the person managing that stage of the process should make a record setting out:
   a) The circumstances which have led to the timeline being exceeded
   b) The impact (if any) which this will have on the process.

If delays have been caused by either the complainant or the respondent, they should be required to explain, in writing, the reasons for this delay.

This information should be made available to the HR Manager for review.

4.4. **Mediation** is available at every step of the process. This is a voluntary process, which can be a very effective method of dispute resolution. Further information about mediation can be found in Appendix A of this policy document. Please speak to your line manager or another suitable manager in your area, the Employee Assistance Programme (EAP), a member of the HR Department, the Teagasc Employee Advocate (regarding mediation specifically) or your Trade Union if you would like further information or advice about entering the mediation process.

**Reminder:** Not all steps below must be followed in a linear fashion. For example, complaints can proceed directly from the Individual Stage to the Designated Person Stage as appropriate.
Individual

- Individual considers whether bullying, harassment or sexual harassment has occurred
- Additional information and support is available from:
  - The HR Department
  - Contact Person
  - Employee Assistance Programme
  - Self Audit Checklist (see Appendix C)
  - Trade Union representative
  - Family, friends as appropriate

Bullying, Harassment, and Sexual Harassment Complaint Procedures

Local Resolution

- If possible, the complainant should approach the respondent(s) or ask a manager to do so on their behalf, to advise of the offending behaviour and the impact which it has on the individual, and to ask that it discontinue
- The complainant may refer a complaint to the next appropriate Line Manager
- The Line Manager should attempt to resolve the matter locally and/or offer mediation to both parties with the intention of resolving the matter

Designated Person

- Complaint is referred to the HR Department, who will appoint a Designated Person to oversee the complaint
- The Designated Person will engage with both parties to:
  - Provide relevant information
  - Familiarise themselves with the background, context and details relevant to the case
  - Encourage the use of mediation with the intention of resolving the matter

Investigation

- The HR Manager will appoint an investigator to formally investigate the complaint
- The investigator will examine the complaint, relevant evidence and witness statements
- The investigator will complete a report for the HR Manager
- The HR Manager will decide, based on the investigation report, if any further action is required

Review Process

- If either party is dissatisfied by the conduct or outcome of an investigation, they can apply for a review to assess:
  - If policy and procedures have been followed correctly
  - Whether the conclusions reached by the investigator can be validly drawn from the evidence on the balance of probability
  - The review will be conducted by a senior officer from another organisation or an external investigative panel
Disciplinary Issues

+ Complaints regarding bullying, harassment or sexual harassment are extremely serious, and will be treated as such by management.
+ Complaints which are upheld may be pursued by the HR Manager as a disciplinary issue, in accordance with the provisions of the Disciplinary Code.
+ Similarly, complaints which are found to be malicious or vexatious may also be pursued as a disciplinary issue, in accordance with the provisions of the Disciplinary Code.

If an individual thinks that s/he has been bullied, harassed or sexually harassed, s/he needs to seriously consider whether this is the case before making a complaint.

+ A number of sources of information and support are available to assist with this consideration and to help provide clarity regarding issues related to bullying, harassment, and sexual harassment, before, during, and after a complaint has been made and/or resolved.

+ These supports will provide information on what constitutes bullying, harassment, and sexual harassment as per Section 3, as well as information regarding how complaints are handled and possible avenues which may be explored to resolve the issues.

Sources of information and support may include any of the following:
+ The HR Department
+ Employee Assistance Programme (EAP)
+ Contact Person
+ Self-Audit Checklist (please see Appendix C)
+ Trade Union representative
+ Colleagues, family members or friends as appropriate

Further information regarding all of the relevant contacts and supports can be found in Appendices B and D of this document.
MEDIATION

Mediation is a voluntary confidential process that allows both parties to resolve their conflict in a mutually agreeable way with the help of a neutral mediator. Mediation can be used to achieve early intervention and resolution for any workplace conflict under this policy. The option to avail of mediation is available at any stage throughout the complaint procedure. See Appendix A of this policy for further information.

Attempt to resolve matter locally

Attempt resolution directly with the relevant parties

1. An individual who believes that s/he has been bullied, harassed or sexually harassed should, if possible, inform the person(s) concerned directly that their behaviour is unwanted, unacceptable and ask them to stop.

2. The individual should raise the issue with the person(s) concerned as soon as possible, but no later than four months after the most recent event(s), unless there are extenuating circumstances which may be taken into consideration. In many situations this approach is effective, as a direct communication between both parties can help to build both understanding and awareness. It can often be the case that a person is not aware of their behaviour, that it is unacceptable, or the impact it has on the other person.

3. Resolution at this stage could involve an apology from one person to another and/or agreement that the unacceptable behaviour will not happen again.

4. If the complainant believes that this approach is unsuitable or if it has been unsuccessful, s/he should raise the issue with an appropriate Line Manager. This should be done as soon as possible, but no later than four months after the most recent occurrence of the unwanted behaviour involving new complaints as outlined in Point 2 above, or within 10 working days of an unsuccessful attempt at resolving the matter directly with the other party.

5. It is recognised that circumstances may occasionally exist where, for good reasons, a complainant cannot pursue his/her complaint through the line management structure. In such circumstances, the complainant may bring the matter directly to the organisation's HR Department as soon as possible, but no later than four months after the most recent occurrence of unwanted behaviour or attempted resolution between both parties as previously outlined in Point 2 above.
Attempt resolution with assistance from appropriate line manager

6. Once the complaint has been brought to his/her attention, the Line Manager should try to resolve the issue locally. This may involve encouraging all parties to engage in meaningful dialogue in an effort to gain a level of consensus or agreement. This should take place as soon as possible, but no later than 10 working days from when the issue was brought to their attention.

7. The complaint may be verbal or written. If verbal, a written statement of what is complained of should be taken by the line manager, and signed by the complainant. A copy should be given to the complainant.

8. The Line Manager may refer the complaint directly to the HR Department if they feel that this is the most appropriate method of resolving the matter. This may involve situations where it is clear that local resolution or mediation may not be suitable to resolve the matter.

9. If the Line Manager’s attempts to resolve the issue locally have been unsuccessful, the Line Manager should ensure that the parties are made aware of mediation as an option, provide them with information and encourage the parties to avail of the process. If both parties consent to engagement with the mediation process, the Line Manager should contact the HR Department to have a Mediator appointed.

10. If Mediation is either unsuccessful or unsuitable as a means of conflict resolution, e.g. if one or more parties to the complaint refuse to take part in mediation, the complaint should be referred to the HR Department as soon as possible.

11. While complaints at the location resolution stage can be either verbal or written, complainants should be encouraged to make their complaint in writing should they wish to progress the issue via the HR Department.

12. If a HR Manager is the subject of the complaint, management of the complaint should be passed on to another senior member of management as appropriate.
HR Department considers if complaint may involve a criminal offence

13. Upon receipt of a bullying or harassment complaint (verbal or written) the HR Department will first consider if the complaint may constitute a criminal offence.

14. If the HR Department considers that there is a possibility that a criminal offence has occurred, the complaint should be referred to An Garda Síochána as soon as possible.

15. Any further Departmental investigation may be put on hold pending advise from An Garda Síochána as to whether to continue processing the complaint.

Designated Person appointed

16. The HR Department will appoint a Designated Person (DP) to progress the complaint, as soon as possible, but no later than 10 working days after receiving the complaint. The full role and responsibilities of the Designated Person are set out in Appendix B of this policy.

Designated Person meets with both parties

17. The DP will, within 10 working days of appointment to the case, consult with the complainant to ascertain the details and context of his/her complaint.

18. The DP will, within 10 working days of appointment to the case, and after consulting with the complainant, will consult with the respondent(s) to present the complaint including relevant details and evidence of alleged behaviour.

Recording the complaint

19. The complaint should ideally be in writing, signed and dated. The complaint should be confined to precise details of alleged incidents of bullying, harassment or sexual harassment including their dates and names of witnesses, where possible. Where this is not possible, a written statement should be taken of the complaint by the Designated Person, and signed by the complainant.

20. The DP will remind both parties of the importance of confidentiality and that any breaches of confidentiality may be subject to proceedings under the Disciplinary Code.

21. The DP will advise both parties of possible options and/or resolution methods (e.g. mediation, investigation, withdrawal of complaint, etc) which may be explored and the timelines involved.

22. The DP should also ensure that all parties are kept informed throughout this stage of the process, as appropriate.
Compulsory Mediation Information Session

23. The DP will provide information on mediation to all parties, including, but not limited to, the benefits of mediation, the role of all parties during mediation, the ownership of the outcome. This must be carried out prior to an offer of mediation by the DP.

24. The DP will offer mediation to both parties as an option to resolve the issue among the parties themselves. If both parties agree to enter the mediation process, the DP will ask the HR Department for referral of the complaint to a Mediator as soon as possible.

Reporting to HR Department

25. The DP should present to the HR Department, within 20 working days of appointment to a case, a written report which should include:

- A record of all stages of the process that took place, i.e. meetings with all parties, mediation, etc. These records should not include comprehensive details of what was discussed but just that discussions took place. The purpose of the records is to provide evidence of an organisational response and an attempt at resolution.

- Indication of whether the alleged behaviour may constitute bullying, harassment or sexual harassment as defined in Section 3 of this document. If this is not the case, the DP will indicate if alternative resolution approaches were suggested and/or taken up (e.g. referral to grievance procedure, management of underperformance, etc.)

- Indication that examples of alleged behaviour by the respondent(s) have been provided by the complainant including time, dates, location, names of witnesses, etc.

- A copy of the written complaint signed by the complainant.
Complaint is formally investigated

**HR Manager appoints investigator**

26. The HR Department will decide, upon receipt of the DP report and the written complaint, if a formal investigation is required in accordance with this policy.

27. If the decision is taken to proceed with a formal investigation, the HR Department will appoint an investigator to examine the complaint as soon as possible, but no later than 10 working days from receipt of the DP report.

28. The terms of reference defining the scope of the investigation, including indicative timelines, should be agreed between the investigator and the HR Department before commencement of the investigation and copied to the relevant parties. While it is recognised that the length of the investigation may be dependent on the complexity of the case, the number of witnesses etc., generally the time limit for the investigation should not, except in exceptional circumstances, exceed 3 months.

29. All participants should be reminded of the importance of confidentiality at all times during the investigation process.

**Formal Investigation commences**

30. All parties must fully engage with the investigation in order to avoid delays. An investigator is entitled to draw conclusions from the failure to co-operate with the investigation (e.g. in the absence of an explanation by the respondent(s) that, on the balance of probability, the alleged incident did occur). Failure to co-operate with the investigation may result in disciplinary procedures.

31. The complainant, the respondent(s) or any witnesses should be allowed to be accompanied during the investigation process by a person of their choice, such as a colleague or a Trade Union representative.

32. If one of the parties involved in the investigation is absent from work due to sick leave, s/he should be referred to Occupational Health as soon as possible but no later than 10 working days from the notification of the sick leave absence. The Medical Adviser should not only be asked about fitness for work, but "fitness to participate" in the investigative process.

33. The investigator should begin the investigative process with a thorough interview with the complainant to ascertain the facts related to the complaint. This interview should seek to determine:

   - What precisely is alleged
   - Who was allegedly involved
   - When and where the alleged incident(s) occurred
   - Whether there were any witnesses to the event(s)
34. Following the interview with the complainant, the investigator should meet with the respondent(s). The respondent(s) should be:

- Informed of the allegations which have been made against them
- Provided with a copy of the complainant’s written statement
- Provided with an opportunity to comment on the alleged incident(s)
- Asked to identify if there were any witnesses to the alleged events

35. The complainant will be provided with a copy of the statement provided by the respondent(s) within 10 working days from the date of the interview of the respondent(s). Each party must be fully aware of the case that is being made by the other party. The investigator should not take evidence into account without first obtaining what comments or reply may be made to that evidence by the other party. It is important that both complainant and respondent have copies of all statements which may inform the investigator(s) decision.

36. Following the interviews with the complainant and the respondent(s), the investigator should approach relevant witnesses named during the interviews, to obtain their account of events. It is for the investigator to determine which witnesses need to be interviewed, that is on the basis of disputed accounts of events or issues of a substantive nature.

37. Witnesses should only be provided with information which is necessary to allow the investigator to determine what occurred in relation to the allegation. Witnesses should also be informed that the investigation is a confidential process, and they should not discuss the matter with other parties.

38. Both the complainant and the respondent(s) should be provided the opportunity to comment on the witness statements as soon as possible, but no later than 10 working days following receipt of the witness statements.

39. The investigator should then consider all of the evidence which has been presented to them, in a bid to reach a conclusion on what transpired, and provide a written report to the HR Department containing the findings of their investigation. This outcome of the investigation should include one of the following outcomes

   a) That, on the balance of probability the complaint is upheld for reasons which are stated
   b) That, on the balance of probability the complaint is not upheld for reasons which are stated (cases where there was insufficient evidence to decide the complaint are included in this category)
   c) The investigator may, depending on the circumstances, make a finding of ‘no case to answer’ where the complainant withdraws a complaint or refuses to engage with the investigation.
Role of HR Department following receipt of Investigators Report

40. The complainant and the respondent(s) should be informed in writing of the findings of the investigation by the HR Department within 10 working days following receipt of the investigation report.

41. The complainant and the respondent(s) can comment on the findings of the investigation within 10 working days of notification of the investigation’s findings.

The HR Department should, within 10 working days of receipt of comments from both parties:

- Consider the findings of the investigation and comments provided by both parties
- Decide upon the outcome of the process
- Inform both parties if the matter is to be further pursued as a disciplinary issue
- An investigation under this policy shall be the fact finding investigation as required for the purposes of the Disciplinary Code.
43. If the complainant or the respondent is dissatisfied with the conduct and/or outcome of an investigation, s/he can apply in writing, within 10 working days of receipt of the decision, to the HR Department to review the process, clearly indicating the specific grounds for review.

It should be noted that this review will be a paper based exercise and that the role of the Reviewer is not to re-investigate the incidents which gave rise to the complaint. Rather, the Reviewer shall consider:

- Whether the investigation has followed the correct procedures contained in this Policy
- Whether the investigator’s conclusions could or could not reasonably be drawn from the evidence on the balance of probability

44. A suitable senior manager from outside of the organisation should be appointed within 10 working days of the application, to review the conduct or outcome of the investigation*.

45. The HR Department should inform the other party of the application for review and on what grounds this application has been made as soon as the application has been received.

46. The Reviewer should provide a report to the HR Department containing his/her findings in relation to the procedures followed and conclusions which were drawn during the investigation.

47. The HR Department should consider the findings of this report and decide upon a relevant course of action.

48. The HR Department should inform both parties of his/her decision, and the reasons behind the decision, no later than 10 working days from the date of their receipt of the Reviewer’s report.

*In certain circumstances it may be appropriate to assign the review to a member of the external investigative panel given the complexity of the case.
APPENDIX A - MEDIATION

Mediation is a voluntary and confidential process for solving disputes, which is available to parties at each stage of the complaints process.

Mediation is a process which allows all parties to have their views heard on issues of concern in a safe environment, which can help to deliver workable agreements which are agreeable to all parties.

Confidentiality is crucially important to the process and should be adhered to at all times.

Once mediation has been requested, and where all parties agree to participate the HR Department should appoint a suitable mediator to commence the process.

Prior to commencing the process, the mediator should contact the complainant and the person(s) complained of separately to outline the mediation process, what is involved, and what is expected of them during the process. The mediator will also propose a mutually convenient meeting.

Mediation session(s) are then held, in private, in order to assist both parties to discuss their areas of concern. The mediator will facilitate an exchange which is aimed towards assisting both parties to develop a mutually acceptable agreement or understanding which will help to restore harmonious workplace relations for all concerned both speedily and confidentially.

If mediation has been deemed successful by the parties and an agreement or understanding has been identified, the mediator should draw up a written agreement for signature by both parties. With the prior agreement of parties, & where necessary & appropriate to do so, the HR Department may be advised by the Mediator of aspects of the agreement, relevant to securing a satisfactory future working relationship between the parties.
What is Mediation?

Mediation is a voluntary confidential process that allows two or more disputing parties to resolve their conflict in a mutually agreeable way with the help of a neutral third party, a mediator (Stein 1997).

Mediation focuses on the interests or needs of the parties and on solutions, not on determining or assigning blame. The mediator does not impose a solution but rather works with all parties to create their own solution.

Mediation Process

When a complaint is received by the Designated Person, by the Line Manager or by the HR Department, the two parties involved will ordinarily be invited to participate in mediation. Alternatively a staff member(s) may seek mediation themselves to resolve the dispute, through HR. Mediation will be explained in detail to the parties involved so they can make an informed decision about this alternative method of resolving disputes or complaints.

If both parties agree to attend mediation then a mediator will be assigned and the parties informed. The mediator will contact both parties and arrange to meet them both separately initially. At these meetings the mediator will gain an understanding of the issues, ensure both parties understand mediation, what will be involved, and what is expected from them. After meeting both parties separately the mediator will then arrange a suitable time and venue for the mediation session(s) in the event that all parties, including the mediator, are willing to proceed.

The mediator will then bring both parties together to identify and discuss their areas of concern. The mediator facilitates this process without offering solutions, taking sides or making a judgement. The mediator assists each party to explain the problem to the other party as they see it. The mediator facilitates an exchange in which the parties identify the issues in dispute. The objective of mediation is to enable the parties involved to resolve matters speedily and confidentially, often without recourse to a formal investigation.

Benefits of Mediation

- Mediation is an empowering process, both parties are in control of the outcome.
- It creates a safe environment for both parties to talk about the issues and the impact on them to be heard.
- It is usually fast.
- Mediation is confidential and without prejudice.

Because the terms of agreement, if reached through mediation, are made up of the decisions of the parties themselves, there is a greater likelihood that they will continue to be adhered to, rather than in circumstances where solutions are imposed by third parties. Mediation agreements are binding on the parties.

- It is a voluntary process. Either party or the mediator can withdraw at any time from the process.
- The parties involved are in control of the decisions as opposed to a solution being imposed.
- Mediation encourages a positive approach to resolving disputes or difficulties.
- Having the mediator in the session to facilitate and control the process creates an environment of exchange, exploration, and resolution in safety.

**Information Session on Mediation (for the parties involved)**

Mediation is a process whereby an agreed, impartial, and suitably qualified mediator meets with both parties to try to help them to resolve the dispute, complaint or issue. The mediator usually meets each party separately to begin with, to get a sense of the issues and explain the mediation process. At this session each party can ask any clarifying questions. The mediator will outline what is expected from each party i.e.

- Confidentiality
- Respect for each other
- That each party will outline the situation and the issues as they see it
- That each party will listen to the other
- That each party will engage honestly in the process
- That each party be willing to explore options for resolving the issues
- That the mediator will control the process
- That the mediator will take note of agreements/decisions reached during the session
- That whatever is discussed in the mediation process cannot be disclosed or used in another forum
- That the mediator will not be required to give testimony at any other forum relevant to the dispute between the parties

The mediator then arranges with both parties a suitable venue and time to meet together. The length of the meeting and breaks times will be agreed. If necessary/appropriate for a further meeting(s), day and time of the next meeting will be arranged.

During this mediation meeting both parties will outline the dispute or issues as they see it. The mediator will facilitate respectful dialogue and negotiation between the parties. The aim of the mediation is for the parties involved to reach agreement on how to resolve the dispute or issue.

Mediation may be invoked at any time in a dispute, however, other methods of dispute resolution (e.g. investigation or legal remedy) must be suspended to allow for mediation to proceed. In the event that either party withdraws from the mediation attempt the parties concerned are again free to pursue other courses of dispute resolution.
APPENDIX B – Role of the individual parties

Role of the Complainant

The complainant (the person making a complaint) will play an important role in the successful resolution of any bullying, harassment or sexual harassment complaint. The individual should take some time to make themselves aware of this policy, and the options which are available to them.

There are a number of sources of support, advice and assistance available for individuals such as the Contact Person, Employee Assistance Programme, the Designated Person, the HR Department and others. A list of useful contacts can be found in Appendix D of this policy.

The complainant should make a reasonable and genuine attempt to fully participate in attempts at resolving the dispute, to participate in mediation, attend interviews and meetings etc. as required.

The complainant must not engage in victimisation, intimidation or hostility towards the respondent.

All parties should continue to work as normal during all stages of the process, unless directed otherwise.

Those involved in a complaint should be aware that confidentiality is of utmost importance. Malicious complaints may be viewed as misconduct.

Role of the Respondent

Similar to the role of the complainant, the respondent (the person(s) complained of) will play an important role in the successful resolution of bullying, harassment or sexual harassment complaints. Individuals involved should take the time to make themselves aware of this policy, and to make use of the many other sources of information and support during the complaints process.

The respondent should make a reasonable and genuine attempt to fully participate in attempts to resolve the dispute, to participate in mediation, and to attend meetings and interviews as required.

The respondent must not engage in victimisation, intimidation or hostility towards the complainant.

Those involved in a complaint should be aware that confidentiality is of utmost importance.

All parties should continue to work as normal during all stages of the process, unless directed otherwise. As with the complainant, there are a number of sources of support, advice and assistance available for individuals such as the Contact Person, the Designated Person, the Employee Assistance Programme, the HR Department and others. A list of useful contacts can be found in Appendix D of this policy.
**Contact Person (CP)**

The Contact Person (CP) is someone who is available to listen and provide information to those who are concerned about bullying, harassment or sexual harassment in the workplace.

The CP will be able to explain the various resolution options, the potential supports which are available to individuals and to explain the role of the various parties involved in the resolution process.

The Contact Person may be one of the following:

- A nominated individual within your organisation
- A Trade Union Representative

**N.B.** It is not the role of the CP to become directly involved in the complaints procedure, nor to act as advocate for either party in a dispute.

**Employee Assistance Programme (EAP)**

In addition to the role of Contact Person, the EAP provides a wide range of free and confidential supports to all staff members, including line managers, designed to assist employees in managing work and life difficulties which, if left unattended, could adversely affect work performance and/or attendance and quality of life. The EAP is provided through Vhi Corporate Solutions and staff can avail of online or face to face counselling (nationwide) in addition to a range of other support services.

**Role of the EAP in relation to the Dignity at Work Policy**

The EAP is available to offer support to any staff member who:

- Experiences a conflict situation and/or interpersonal/communication difficulties in the workplace
- Feels s/he is being subjected to bullying, harassment or sexual harassment
- Has had an accusation of bullying, harassment or sexual harassment made against him/her
- Is a line manager who may need support or guidance in resolving issues arising from conflict, interpersonal difficulties, bullying, harassment or sexual harassment
- Is a colleague affected in such circumstances
- Is asked to be a witness in an alleged bullying, harassment or sexual harassment complaint.

**What the EAP can offer**

Where an individual engages with the EAP, it can provide:

- Assistance in evaluating and assessing difficulties
- Help in exploring the issues and possible options for resolution
- Help in planning a structured approach to coping with and resolving issues
- Signpost to other resources
- Referral to external agencies as appropriate and in agreement with the individual (cost, if any, in such referrals will be borne by the individual concerned)
- Information on relevant policies, conflict resolution and mediation
A line manager can consult the EAP where s/he is dealing with staff members in relation to any of the foregoing issues for supports and advice in trying to bring about a resolution.

A line manager can also advise the individual(s) of the availability of the EAP as a support. Where appropriate the line manager can formally refer the individual(s) to the EAP.

The EAP is a neutral support service and will not be involved in the adjudication of cases. The EAP does not represent the staff member or attend informal, formal or mediation meetings.

**EAP Confidentiality**

Professional standards apply in relation to confidentiality. Confidentiality is between the individual and the EAP. Information and personal data disclosed by employees to the EAP remains confidential (exceptions are listed below) and will not be disclosed to a third party without the prior knowledge and consent of the individual.

**Exceptions to confidentiality**

- Life-threatening situations to the individual, other parties or the public
- Where there is a statutory responsibility to report
- Where required by a court or legal process to do so
- Where non-disclosure of information could comprise the EAP
- Where the EAP becomes aware of a breach in criminal law, disclosure may be necessary.

Where an individual is formally referred to the EAP by line management or the HR Department confirmation of attendance/engagement will be given to the referring party and any proposed feedback and/or progress reports will be agreed with the staff member.

Full details on the EAP are available at http://tnet.teagasc.net/employee_wellbeing/emp_assist_programme.asp

**Role of the Designated Person (DP)**

The Designated Person (DP) is a new role as set out in the Health and Safety Authority’s Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying and Harassment in the Workplace.

The DP will be a senior member of staff, who will oversee complaints which have been referred to the HR Department. This individual will play a pivotal role in ensuring that complaints are dealt with in a timely and efficient manner. The DP will:

- Ensure that all parties have copies of this policy and any other relevant information
-Ascertain the details relevant to the complaint, the context, and advise on the potential resolution methods which may be explored
- Provide information on mediation to all parties involved in a dispute
- If complaints are in verbal format, make a written note of what is complained of, and give a copy to the complainant.
- Make a record of steps which have been taken in the process, such as a record of meetings, actions agreed, and the final report to the HR
Department. The purpose of these records, which do not include details of the discussions, are to provide evidence of the complaint being met with an organisational response and attempt at resolution.

Role of Line Manager

Line Managers are required to make both themselves and their direct reports familiar with this policy.

Line Managers have a duty of care to their staff, and are required to tackle bullying, harassment, and sexual harassment in the workplace. They should make a reasonable attempt to facilitate a harmonious work environment which promotes dignity and respect for all staff. All complaints regarding bullying, harassment or sexual harassment must be treated seriously with due regard to the sensitivities of the complainant and to the rights of the alleged offender(s). All complaints should be dealt with promptly and sympathetically. Confidentiality should be adhered to by all parties involved in the complaint.

Line Managers should be approachable should any of their staff require advice regarding any aspect of this policy or regarding any potential incidents of bullying, harassment or sexual harassment.

If approached by a direct report regarding a case of potential bullying, harassment or sexual harassment, the Line Manager should:

- Speak to individuals on all sides of the complaint in an attempt to ascertain the details and context related to the complaint
- Attempt to facilitate local resolution of the issue
- Consider if mediation may facilitate a possible solution to the issue
- Alert the HR Department to cases which cannot be facilitated by local resolution
- Where complaints are not upheld, line managers should make attempts to restore reasonable working relationships within their area
- Those who make a complaint in good faith, or who provide evidence in relation to a complaint in good faith, should not be victimised by Line Managers

Role of HR

Complaints which are referred to the HR Department should be treated as a serious issue. They should be dealt with in a prompt and sympathetic fashion. All complaints should be handled in confidence, and confidentiality should be adhered to at all times.

Where Contact Persons have been appointed, the HR Department should circulate and publicise the relevant details. HR must ensure that the Contact Persons have the appropriate knowledge and skills for the role.

Complaints of a potentially criminal nature should be passed onto An Garda Síochána. Where Departmental investigations are required, the HR Department will pass on complaints to the Designated Person (DP) in the first instance, who will attempt to resolve the issue informally, and via mediation where possible.

Where mediation and local resolution have been unsuitable or unsuccessful, the complaint will be returned to the HR Department, with a report from the DP of the
actions taken. If a formal investigation is required, the HR Department should appoint an impartial investigator to ascertain the facts and produce a series of recommendations.

Following the investigation, the HR Department will be required to determine whether the complaint should be upheld or not upheld, and decide upon a course of action, potentially invoking the Disciplinary Code.

The HR Department should maintain regular communication with the parties involved to keep them informed of progress. The HR Department should also play a role in the positive reinforcement of this policy among staff across the organisation, and advise and support line managers where necessary.

The HR Department should also take steps to ensure that a workplace free of bullying, harassment or sexual harassment is maintained following the resolution of the complaint.

APPENDIX C – Self-Audit Checklists

Self-Audit Checklist for the Complainant

Experiences of bullying, harassment, and sexual harassment can be difficult to define and explain to third parties. Recalling incidents of this nature may be quite troubling, frustrating or upsetting. Summarising these events or experiences into a complaint which can be fully understood by others can be a difficult exercise.

Therefore completing the following checklist may assist individuals to reflect upon their situation, determine what they have experienced and if it may fall into the category of bullying, harassment or sexual harassment as defined previously in this policy.

The following is for personal use, and will not be recorded or reviewed by any other party unless you as an individual choose to disclose it. While respecting the confidential nature of the process, you may wish to share this information with any/all of the following before taking a complaint: a trusted friend, colleague, union representative, line manager, contact person etc.

The individual may wish to consider the following:

- Have I read the Dignity at Work Policy as a basis for considering my options?
- Does the behaviour I am concerned about match the definitions of bullying, harassment or sexual harassment as set out in this policy?
- How has the behaviour I have experienced affected me?
- Do I consider the behaviour I experienced to be offensive, humiliating, intimidating or threatening?
- If considered to be bullying, has the behaviour I am concerned about been repeated?
- Was the behaviour I am concerned about part of the normal disciplinary or PMDS procedures? Was the feedback given in an appropriate and respectful manner?

- If I do not believe my experience can be defined as bullying, harassment or sexual harassment, may the behaviour be considered to be general workplace conflict and if so, have I explored the options available to me for resolution of these issues?

- Can I resolve the situation to stop the behaviour by speaking to the person directly, and requesting that they stop the behaviour?

- If I cannot approach the individual personally, can I ask my manager to do so on my behalf?

- If I am unable to discuss the matter directly with the person concerned, could I discuss the matter with another appropriate line manager?

- Were there any witnesses to the alleged behaviour?

- Have I kept a record of the behaviour or incident(s) including times, places and names of witnesses?

- Have I discussed the situation and options with someone I trust?

- Am I prepared to engage in dialogue and other efforts to resolve the situation such as mediation?

- Would I benefit from speaking to the EAP?

**Self- Audit Checklist for the Respondent**

Accusations regarding bullying, harassment or sexual harassment can be very stressful for the person(s) complained of, or potential witnesses as for the complainant. It may be beneficial to complete the following checklist, which may help you to reflect upon your situation, define the problem and to consider whether any of your behaviours might be perceived as bullying, harassment or sexual harassment.

The checklist is a tool for your personal reflection and is not recorded or reviewed by any other person unless you choose to disclose it. You may wish to share this information with a trusted friend, colleague, union rep, line manager etc in order to evaluate your options as set out in this policy.

In considering options to resolve your current situation you may wish to consider the following, or discuss these points with an appropriate contact person or manager.

- Have I read the Dignity at Work Policy as a basis for defining bullying, harassment and sexual harassment?

- Could my behaviour which has been complained of be viewed as humiliating, intimidating or threatening?

- Is it possible that the tone or volume of my voice or my body language could ever be perceived as offensive, humiliating, intimidating or threatening?
- Could my communication or management style ever be perceived as offensive, humiliating, intimidating or threatening by someone else?

- When I feel angry, stressed or anxious, could my feelings be exhibited in a way that others might find offensive, humiliating, intimidating or threatening?

- Could the way in which I provide feedback on people’s work, or monitor their performance, ever be perceived as overly critical or excessive by someone else?

- Have I excluded a particular staff member from essential information or meetings?

- Could targets or deadlines I have set be perceived by others as impossible?

- Having read the policy could my behaviour be perceived as matching the definitions of bullying, harassment or sexual harassment?

- Is it possible that my behaviour towards the complainant has been repeated?

- Do I have any records of previous interactions I have had with the complainant?

- Was the behaviour that has been perceived as bullying, harassment or sexual harassment part of the normal disciplinary or performance feedback procedure?

- Have I discussed the situation and options with someone I trust and may I benefit from doing so?

- Would I benefit from speaking to the EAP?

**Appendix D Useful Links**

- List of Contact Persons - [http://tnet.teagasc.net/employee_wellbeing/dignity.asp](http://tnet.teagasc.net/employee_wellbeing/dignity.asp)

- Teagasc Mediation Policy - [http://tnet.teagasc.net/employee_wellbeing/Mediation12.asp](http://tnet.teagasc.net/employee_wellbeing/Mediation12.asp)

- Teagasc Employee Assistance Programme - [http://tnet.teagasc.net/employee_wellbeing/emp_assist_programme.asp](http://tnet.teagasc.net/employee_wellbeing/emp_assist_programme.asp)

- Health and Safety Authority Guidelines on Bullying at Work - [http://www.hsa.ie/eng/Workplace_Health/Bullying_at_Work/](http://www.hsa.ie/eng/Workplace_Health/Bullying_at_Work/)
10.3 Disability Policy

Introduction

Teagasc operates a policy of Equal Opportunities for all staff. In order to help meet the diverse needs of both our customers and staff with disabilities, a Disability Policy has been developed by a Working Group of the Teagasc Equality Committee. The purpose of this Policy is to provide a clear statement in relation to staff, customers and clients of Teagasc who have a disability and provide guidance in relation to recruitment, employment, training, development and promotion.

In formulating the Policy the Working Group consulted with the Equality Authority, National Disability Authority, FAS and the Equality Diversity Network of Equality Officers employed by the State and the Public Sector. Input from Teagasc staff with disabilities and other staff are also immersed in this Policy. The Policy is supported by Management who are fully committed to this Policy and an inclusive and diverse work environment. The Policy has also been agreed by the National Partnership Committee comprising representatives of staff, management and trade unions.

The Teagasc policy will develop and sustain positive measures to encourage the recruitment, development and retention of people with disabilities. Every effort will be made to ensure the continued employment of any staff member who becomes disabled while working for Teagasc. In creating this inclusive work environment, we are also facilitating accessibility for our customers, clients and the general public.

Teagasc proposes to base its equality of opportunity in the workplace for persons with disability on four guiding principles:

- Creation of a work culture which focuses on relevant abilities rather than irrelevant disabilities;
- Ensuring that recruitment, selection, assignment and development criteria are framed to seek inclusion of persons with disability.
- Practical facilitation of persons with disability to avail of employment and career opportunities insofar as it is reasonable.
- Design an accessible environment for our customers, clients and the public within Teagasc premises, at Teagasc events and providing Teagasc services.

Definition of Disability

There is a statutory definition of disability in the Employment Equality Act, 1998 and the Disability Act 2005. [See Appendix 1].

Disability from the Disability Act 2005, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment. National Disability Authority (NDA) was established in 1999 with the role of assisting government in the co-ordination and development of policy relating to persons with disabilities.

As the Disability Act, 2005 is based strongly on the 'social model' of understanding disability, Teagasc is basing its Disability Policy on this approach.
The social model emphasises an inclusive society by providing supports and services to optimise a person’s ability to fully engage in society and participate fully in the workforce.

**Disability Act 2005**
The Disability Act 2005 is a positive action measure designed to advance and underpin the participation of people with disabilities in everyday life. It is part of a framework of measures, which supports social inclusion. Other essential elements in the legislative framework are:

- The Equal Status Act 2000
- The Education for Persons with Special Educational needs Act 2004
- The Citizens Information Act 2007

The Disability Act 2005 establishes a statutory basis for:

- An independent assessment of individual needs and a related service statement
- Access to public buildings, services and information
- An obligation on public bodies to be proactive in employing people with disabilities
- Restricting the use of information from genetic testing for employment and insurance purposes.
- The act also sets a target for the employment of people with disabilities. This is a government led positive action measure to facilitate the integration of people with disabilities into employment. It is Teagasc's aim to ensure that this target is reached.

**Understanding Disability**

Appendix 1 and the definitions above cover a wide range of disabilities. It is important to realise that it is not only people with physical disabilities that fall within the definition of people who are disabled. Some disabilities are obvious (e.g. in the case of wheelchair users), others are not readily apparent e.g. epilepsy or mental health). The term ‘disability’ can cover a wide range of circumstances including visual impairment, hearing defects, physical disability, specific learning disabilities and mental health difficulties. See Appendix 2 for a list of disabilities covered by the term.

While some people with disabilities may require special assistance and/or equipment to reach their full potential, most can be effective staff members without special help. It should also be noted that the same disability could vary in its impact and affect people differently. Accordingly, policy and its implementation should avoid the use of stereotypes and every person with or without a disability should always be treated as an individual with equal rights. Consideration of a question concerning the employment of people with disabilities should proceed from a question of presumed ability.

**Access to Services for Clients, Customers and the General Public**
Access will be provided by Teagasc for its services and information to clients with disabilities. The means of gaining access to a Teagasc service will be tailored to meet individual requirements. The principal areas will include provision of information...
on State Schemes related to farming and provision of training and advice. Teagasc will also assist its clients, and the farming community in contacting agencies and organisations who have a role in providing disability related services and supports.

**Equal Opportunities & Accessible Services**

Teagasc has a responsibility as an employer for developing and promoting best practice in equality of opportunity for all staff. This does not always mean that everybody must be treated in exactly the same way. It must be recognised that treating everybody the same way may lead to the continuing exclusion of individuals or groups protected by the legislation. Special steps may need to be taken to encourage those who may have been unfairly excluded to come forward for recruitment or to have an equal prospect of promotion within Teagasc. Section 16(3) of the Employment Equality Act, 1998 states that:

“A person who has a disability shall not be regarded as other than fully competent to undertake and fully capable of undertaking, any duties if, with the assistance of special treatment or facilities, such a person would be fully competent to undertake, and be fully capable of undertaking, those duties”

An employer shall do all that is reasonable to accommodate the needs of a person who has a disability by providing special treatment or facilities.

“The Term reasonable accommodation is generally understood to mean the provision of enhanced equipment (whether this refers to computer aids or specially adapted furniture) and improved access arrangements. It may be that the person would need some special treatment or facility to assist them in performing the job. It would be expected that they would be facilitated with some flexibility measures not normally extended to other non-disabled persons employed in that role. This might mean having time-off to make arrangements that facilitate them in the management of their disability.

A refusal or failure to provide for special treatment or facilities shall not be deemed reasonable unless such a provision would give rise to a disproportionate cost to the employer.”

If disability is a barrier Teagasc will work to adopt measures to help remove such obstacles that may exist, thereby providing equal access to employment opportunities and services.

**Accommodation, Equipment and Facilitation**

Teagasc has prepared a Response Plan to the Disabilities Act 2005. This can be obtained from any member of the Disability Committee. In particular the Director made the following statutory appointments:

**Access and Inquiry Officer**. The role of the Access officer is to provide and arrange for and co-ordinate the provision of assistance and guidance to persons with disabilities in assessing Teagasc services. The role of the Inquiry officer is to independently investigate complaints under certain sections of the Disabilities Act, 2005.

Teagasc will be flexible in exploring what changes or reasonable adjustments can be made to the workplace, which would help overcome the affects of disability. Teagasc will provide reasonable accommodation and remove any barriers that may exist for people to access facilities and services. Such accommodation may include the provision of special treatment and facilities, to ensure that the person is both
competent and capable of doing the job. This may include changes in the provision of aids and adaptations as well as physical changes to buildings.

Access arrangements to Teagasc premises will be reviewed on an on-going basis in relation to the requirements of people with disabilities. It will be necessary to identify alterations to premises necessary to improve accessibility. Teagasc is in the process of upgrading all their offices throughout the country to facilitate wheelchair access.

The realisation of a staff member’s full potential in the workplace often depends on work organisation and the provision of work facilities. The same principle relates to people with disabilities, the only difference being the need for staff and management to be open to a greater diversity of work organisation, and to consider affording additional assistance to enable people to realise their abilities and contribute to their potential as effective members of staff.

Fire safety procedures are used in all Teagasc buildings. Fire drills are held regularly and any issues relating to people with disabilities will be addressed as a matter of priority. Further details and advice regarding fire safety procedures may be obtained from your local safety officer.

Public Events
In order to ensure that people with disabilities are catered for at all public events run by Teagasc all publications for these events will include the following wording: “Special needs catered for….”

Recruitment, Training & Promotion
Teagasc welcomes and encourages applications for positions from people with disabilities. Teagasc will work with FAS and any other agencies where appropriate, who are involved in the training and placement of people with disabilities. See Appendix 3 for details of the Recruitment, Training & Promotion of staff with disabilities.

Implementation of the Disability Policy
All Teagasc staff have a role in ensuring that they adhere to the provisions of the policy. Staff have a responsibility to make themselves familiar with the procedures in this policy and to treat their disabled colleagues, customers and clients with the same dignity and respect that should be properly accorded to other colleagues, customers and clients at all levels in the organisation.

Responsibility required by Managers/Supervisors to:
- Familiarise themselves with this Teagasc Policy
- Uphold it as an integral part of their work
- Be mindful of any special needs expressed by disabled staff
- Bring this policy to the attention of all staff.
- Intervene in any instance where discriminatory behaviour is observed or brought to their attention

VHI Corporate Solutions providers of the Employment Assistance Programme for Teagasc will have a role in supporting The Disability Policy where appropriate via:
- Counselling services for staff with disabilities to help them both adjust to their circumstances and reach their full potential as staff members (on a voluntary and confidential basis)
- Provide practical supports and facilitation for staff with disability in relation to work and other arrangements.
Staff with disabilities will be consulted at least once a year on what the organisation can do to make sure they develop and use their abilities at work. These commitments will be reviewed each year, recording what has been achieved, planning ways to improve and informing staff of progress.

**Redress, Monitoring and Review**

**Staff** who believe that they have suffered any form of discrimination (or who wish to seek clarification on these issues) can get information from, or contact, any of the following people (who will assist by referring them to the appropriate procedures):

- Your Line manager/Supervisor; or any Manager/Supervisor within your business unit;
- HR Advisor;
- Trade Union Representative

If a staff member is unable to resolve their grievances informally, a formal complaint may be lodged in writing with any manager (Reference Grievance Procedure).

**Customers and clients** who feel that they have not been afforded the commitments made in this Policy can make a complaint to the Unit Manager. If a customer/client is unable to resolve their grievances informally, a formal complaint may be lodged in writing with the Access Officer.

Enquiries and complaints will be dealt with seriously and promptly. Confidentiality and discretion will be observed insofar as it is practicable. Both the Human Resource Department and Equality Committee will update this Policy on a continuous basis to keep it in line with legislative developments and experience of its operations. The Policy will be publicised to all staff during meetings, through the t-net and also through staff communication channels such as Staff Info, E-bulletin and Newsletters.

The Policy will be available to clients and customers in all offices and on the Teagasc Web Site [www.teagasc.ie](http://www.teagasc.ie) which is AA compliment in line with requirements of the National Disability Authority guidelines. These procedures do not detract from an individual’s rights under statutory legislation.
Appendix 1

Definition of Disability

For the purpose of the Employment Equality Act, 1998, disability means:
1. the total or partial absence of a person’s bodily or mental functions, including the absence of part of a person's body;
2. the presence in the body of organisms causing or likely to cause chronic disease or illness;
3. the malfunction, malformation or disfigurement of a part of a person's body;
4. a condition or malfunction which results in the person learning differently from a person without the condition or malfunction, or;
5. a condition, illness or disease which affects a person’s thought processes, perception of reality, emotions or judgement which results in disturbed behaviour; and shall be taken to include a disability which presently exists, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.

For the purpose of the Disability Act 2005, which deals, inter alia, with Teagasc's legal obligations as a public body to provide accessible services, premises and information, to provide assistance to people with disabilities wishing to access Teagasc’s services; to engage in procurement of accessible goods and services; and to employ a target proportion of people with disabilities (currently 3%), the definition of disability is:

“disability, in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment”

Appendix 2

The following is a list of disabilities that are covered by the terms of the Employment Equality Act, however this is not a comprehensive listing of possible conditions:

- Physical Disability (e.g. disability affecting mobility/co-ordination) Chronic illness (e.g. heart condition, bronchitis)
- Sensory Disability (Visual or hearing impairment)
- Blood disorders (haemophilia, chronic anemia)
- Mental health difficulty (e.g. schizophrenia)
- Emotional Health Difficulty (e.g. depression phobias)
- Severe or specific Learning Difficulty (intellectual/mental handicap)
- Drug/Alcohol Dependency
- Other e.g. diabetes, dyslexia, epilepsy, problems with digestion, skin complaints, severe asthma, acute back pain, arthritis or rheumatism, severe allergies, other progressive illnesses (incl. cancers, MS etc)

Appendix 3

Recruitment, Training & Promotion

Teagasc is committed to Government policy on the employment of people with disabilities in the Public Service. Teagasc will play its full part in ensuring that this objective is achieved and maintained.
Teagasc will consider any measure of flexibility, which might reasonably be employed to facilitate a prospective employee with a disability.

Job advertisements include the undertaking that “Teagasc is an Equal Opportunities Employer”. Recruitment advertising will welcome applications from people with disabilities and is flexible in accepting alternative methods of making a job application e.g. by telephone, email or audio tape.

Advertisements, job descriptions, person specifications, application forms and psychometric tests will be monitored to ensure that they do not disadvantage people with disabilities.

Candidates who are called for tests or interviews will be asked whether they have any particular needs for which Teagasc can make prior provision. We will endeavour to ensure that where possible, any special arrangements which may be needed are made available e.g. ensuring that the place of interview is accessible; make provision for an interpreter for someone with a hearing impairment or speech difficulty.

Selection interviews will be conducted in a manner that emphasises abilities, achievements and individual qualities. Questions concerning an interviewee’s disability will be restricted to areas relevant to the work situation. Interviewers shall not make assumptions about an individual's ability to perform certain tasks.

Where the suitability of a person with disability for employment is concerned the candidate must be:

(a) capable of performing the job and/or
(b) capable of performing the job on the basis of reasonable accommodation

Notwithstanding the requirement not to discriminate, it is perfectly legitimate not to appoint someone if:

(a) they are deemed to be medically unfit;
(b) other candidates have better competencies;
(c) they are not capable of doing the job with reasonable accommodation

It is Teagasc policy that applicants are selected for particular posts on the basis of their competencies for the advertised role. Interview Boards will not make assumptions about the suitability of individuals for certain types of work based on any criteria not relevant to the job.

The primary criteria for employment, placement or promotion will be a staff member’s ability to do the job viz. to meet the requirements in terms of mental or physical capability, for discharging the demands of the job substantially and effectively.

**Training & Promotion of Existing Staff**

Employees with disabilities will be given the same opportunities as other employees to acquire the range of skills and experience necessary for future career development and enhancement. They will be offered the same access to training and development opportunities as other employees. All reasonable measures will be taken to ensure they are not inhibited from availing of such opportunities for reasons of physical or sensory access to training centres, conference rooms, format of training materials etc. Training plans will be "disability proofed" to ensure equality of opportunity for employees with disabilities. Staff with disabilities will be encouraged through positive action initiatives to apply for promotion. Staff with disabilities will not
be excluded from promotion solely because their disability may prevent them from carrying out the full range of duties in the higher grade.

Losing the services of an employee who becomes disabled deprives an organisation of a considerable asset and investment in terms of their skills, experience, training and the loyalty and commitment they have shown. Any employee who becomes disabled will be given the fullest support to maintain or return to a role appropriate to their experience and abilities. In these circumstances, the Teagasc Medical Adviser will have a discretionary role. This may include considerations such as when someone can return to work, what facilities are needed and issues concerning job restructuring, redeployment, rehabilitation, retraining, relocation and flexible working arrangements.
10.4 Employee Assistance Programme

What is an Employee Assistance Programme (EAP)?
This is a counselling and information service, provided by Vhi Corporate Solutions. The service is stand alone and separate service from Vhi Healthcare and does not require Vhi membership. All employees, and family members, of Teagasc are eligible to access the EAP service.

Through the EAP service, free professional counselling and information services will be available to you and your family. You will be able to talk to a counsellor on the phone 24 hours a day, 365 days a year. You can also see a counsellor locally for face to face counselling. The service is totally confidential and can help you or your family with problems in any of these areas:

- Family Relationships
- Work Related Problems
- Emotional Problems
- Financial Problems
- Relationship Problems
- Marital Problems
- General Information
- Legal Matters

Why are we offering this service?
Teagasc recognises the pressures all staff and their families experience and that internal resources are sometimes not appropriate for personal concerns. We also know that it is in everyone’s best interest to ensure that personal and work-related problems are solved as early as possible.

How can I contact the EAP
Freephone: 1800 995 955 or email eap@vhics.ie 24 hours a day, any day of the year. Feedback or comments can be forwarded to eapfeedback@vhics.ie.

In addition, staff have access to a dedicated Vhi site which gives information in relation to health, lifestyle and various other useful topics. This website can be accessed via the Employee Wellbeing link on the T-Net (HR page).
11. Staff Training & Development

11.1 PMDS

Introduction to PMDS

The System of Performance and Development Management which was introduced into Teagasc in 2003 was renewed in 2008, 2013 and again in 2017. The aim of the PMDS process is to provide you, the staff member, together with your manager the necessary tools to manage and improve performance. When commencing the PMDS process you will have to consider the following:

- What is the purpose of my job?
- What are my objectives for the year ahead?
- Review how am I getting on?
- Consider how can I develop and improve?
- How can I apply for future learning and development programmes for my future career development?

PMDS has a significant impact on the way we in Teagasc manage our business and develop the people who work in it. On an annual basis, PMDS helps you to clarify your role and set specific objectives in the context of your unit’s business plan, which in turn is linked to the goals and objectives in the Teagasc Statement of Strategy.

During the year, PMDS provides a forum for discussion with your manager regarding your role, in particular, how you are getting on, to address concerns, and to provide an overall assessment of performance against objectives. It establishes your developmental needs and links these to your current role in Teagasc so as to optimise the immediate benefits for you through various developmental initiatives. It also allows you to address your future development needs and provides an opportunity for you to give feedback to your line manager on the running of the business unit.

*The two main purposes of PMDS are:*

(1) to provide a scheduled opportunity to promote a two-way discussion between you and your manager
(2) to provide a planning and feedback tool in relation to your role and your development.

All staff throughout Teagasc are *required* to participate in this system and line managers have a particular role and responsibility for quality assurance and for ensuring that objectives set are clear and equitable in the context of the business unit objectives, your role and the expectations of your grade and competency level within that context.

*The Annual Cycle of PMDS*

The Business Planning and PMDS cycles are intrinsically linked in Teagasc. PMDS is facilitated via two formal meetings in a year. The first and most substantive meeting combines two stages of the process, Stage I and Stage III. This meeting is in part a review of the outgoing year and in part a planning for the upcoming year. Thus, this meeting should be held in November or December each year.
The System operates on a yearly basis in three stages:

**Stage I - Planning:**
In association with your line manager and in the context of your unit's annual business plan, you will complete a PMDS form. This will mean you setting out the purpose of your job identifying and agreeing your key objectives together with the tasks required to achieve each objective and the dates for their completion for the year ahead.

Following discussion with your Line Manager you will understand the expectations for your grade and role.

The PMDS Planning meeting will also facilitate a discussion between you and your Line Manager to achieve your objectives by identifying any gaps in key competencies (i.e. knowledge, skills and attributes) that are required to perform your job or, in the alternative, new competencies that may be need to be developed. Using the Teagasc Competency Framework will greatly facilitate this task. You will consider your strengths, your achievements in the last year and the areas that require further development. Together you will decide on the best way to facilitate your learning and development i.e. whether through training or other appropriate methods (e.g. coaching, mentoring etc.).

The Learning and Development Plan should be tailored to your particular needs. This discussion should focus on both current training needs and your more long term career development. You are also encouraged to identify one job related improvement that you are going to progress. Although some of these may be considered of a minor nature they may create significant value add for the organisation.

**Stage II – Interim Review:**
Informal reviews of your PMDS Plan should occur on an ongoing basis throughout the year with feedback and coaching forming an integral part of the process.

Six months into the annual PMDS cycle you and your line manager will meet to carry out a formal review of progress to date. This is known as the interim review. Having set out your progress achieved to date for each objective together you will review progress, consider any changes which may have occurred in your objectives, the competencies identified will be reviewed and the effectiveness of your Learning and Development Plan in meeting your particular needs. Any adjustments required to your objectives will be made and reflected on your PMDS form and signed off by you and your manager.

Should there be a concern with regard to a staff member’s performance or attendance it is vital that the line manager addresses this as soon as identified and not to be 'saved up' for the interim review stage. A Positive Action Programme (PAP) to support the staff member in achieving their objectives may be required (see Positive Action Policy – Section 4.2). The Positive Action Programme will operate in parallel with PMDS e.g. the staff member may be required to engage in monthly meetings under the PAP process in addition to the PMDS process. The line manager should contact the HR Department with regard to implementation.

The interim review stage requires you to carry out a self-assessment so as to review objectives set, your performance to date in achieving your objectives and your learning and development plan. This self-assessment should be completed in advance of meeting with your line manager. An interim review meeting should take
place and any changes to the above should be discussed and agreed at this meeting. The meeting should conclude with you and your manager signing off on the interim review stage of PMDS.

**Stage III – Annual Review:**
A formal Annual Review will take place at the end of the PMDS cycle (i.e. 12 months after Stage I) where you and your line manager will review your performance in relation to the objectives, tasks, competencies and learning and development plan agreed at the start of the year and any revisions made at the interim review stage. This two-way discussion will normally remain confidential between you and your line manager unless a performance related issue occurs within the PMDS year which requires further intervention and potential involvement of the Human Resource Department and other relevant experts.

The Annual Review is an integral part of the PMDS process in providing you with an opportunity to reflect with your manager on your performance over the past year and build further improvements into your performance for the year ahead. There should be no surprises here.

Again you are required to carry out a self-assessment for the annual review considering the objectives set, your performance to date in achieving your objectives, your learning and development plan and your interim review assessment. This self-assessment should be completed in advance of meeting with your line manager. The discussion will focus primarily on an assessment of the attainment of the key objectives set for the year but will also offer scope to acknowledge other contributions. Good performance will be acknowledged and where appropriate, actions needed to help build on performance will be identified. In this context both parties will indicate where you did particularly well over the year and areas where there is potential for change and development. The latter will be brought forward into Stage I, the planning stage for the upcoming year.

In addition, an overall assessment of your performance will be agreed and one of the following ratings will be awarded:

- Achieved expectations – you will have fully met or exceed all of the role requirements and required standard and performance is at a fully acceptable level in all essential areas
  
  Or

- Needs improvement – you have met some role requirements to required standard but performance has fallen short in some respects. Referral to a Positive Action Programme will apply.

The Final Review provides you with the opportunity, on a voluntary basis, to give feedback to your manager on how you are being managed and the running of the business unit or other related issues. On the Final Review Form you may indicate your suggestion(s) for improving the performance of the business unit and your Manager will, in response, indicate his/her comment and/or an agreed action.

**Appeals Process**
The staff member or the line manager has the right to raise an appeal at any stage of the PMDS process. Full details of this process are available on the PMDS section of the Tnet.
Key Competencies
A Competency Framework has been developed in partnership with staff from all sections in Teagasc. These profiles are available for use in your PMDS meetings. Using the profiles will provide a consistent and transparent tool for assessing your existing skill set against the competencies for your current role and any promotional role that you may aspire to. This will allow for a more meaningful dialogue between you and your line manager in your PMDS meetings.

Training on PMDS
On an on-going basis, new staff will receive PMDS induction training to prepare them to engage with the process. All aspects of the system including completing the relevant forms and identifying the competencies required for the job will be covered in the training. Induction training will be available to newly appointed managers to help them manage and facilitate the process effectively. PMDS support material is available on the T-net including an e-tutorial.
11.2 Study & Exam Leave Policy

Study Leave
Any attendance at courses which will lead to a third level qualification and are of direct relevance to the staff member’s employment should be pursued or initiated through the PMDS process.

Where attendance at such courses is approved by Teagasc, staff members may be granted up to five days of paid study leave per academic year of the course. The granting of such study leave is at the discretion of the line manager and is subject to the exigencies of work.

Where leave is granted, staff members should be allowed as much freedom as possible to spread it over the course of the year. If there is no examination in one year of the course, study leave may be carried over to the following year. No study leave is allowable for a year when an examination has to be repeated.

Staff members may also be allowed to carry forward up to three days study leave from the second last year to the last year of a course.

Exam Leave
Subject to giving appropriate notice, staff members may also be allowed paid time off in order to sit examinations.

Refund of Fees
Arising from the PMDS process, staff members who are attending a University or other Educational Institute in order to obtain a third level qualification of relevance to their employment will be entitled to a refund of fees.

Under normal circumstances, course and examination fees will be refunded to the staff member at the end of each completed academic year, however, exceptions may occur at the discretion of the Director. This is subject to a written statement from the University or other Institute, stating that the staff member gave satisfactory attendance at the course, participated satisfactorily in the course and sat the relevant examinations or other prescribed tests. Payment will only be made once in respect of each academic year. A refund of fees will not be given in respect of years which are repeated.

Prior to commencement of a third level course, all staff will be required to complete a ‘form of undertaking’. This form confirms that the staff member undertakes to refund Teagasc for the cost of the course in the event of their leaving the organisation before completing one years’ service in respect of each academic year for which a payment has been made.
12. Travel, Subsistence & Expenses

12.1 Travel & Subsistence Policy

General Rules

Staff members employed on official business away from their headquarters and staff members assigned to field duties will be paid traveling and subsistence expenses within the rates authorised from time to time by the Minister for Finance. Any staff required to undertake travel must be familiar with Circular 11/82 (Travelling & Subsistence Regulations). Click here to download the circular in full from the Department of Finance website. Revised rates came into effect on 1st July 2015. See relevant circular http://circulars.gov.ie/pdf/circular/per/2015/05.pdf

Traveling and subsistence allowances are payable only in respect of necessary absence from headquarters. All traveling duties should be planned so as to reduce the total amount of travel to the minimum consistent with efficiency. All official travel should be by the shortest practicable routes and by the cheapest practicable mode of conveyance. Return tickets, contract, season or other cheap tickets should be used wherever a saving in traveling expenses is secured thereby.

The subsistence allowance payable is not intended to meet the whole cost of subsistence when absent from home and headquarters and is not intended to be a source of profit.

Expenses will not be paid to staff traveling to take up duty on first appointment or to staff traveling after first appointment to take up a new post as a result of an open competition.

Expenses will not be paid to staff traveling to attend an interview as a result of an open competition. However, the reduced mileage rate will be paid to staff traveling to attend an interview as a result of a confined competition. Subsistence will be payable at the normal rate.

Traveling Expenses

Use of own transport

Where it is necessary for a staff member to use their private vehicle for official Teagasc travel they must be authorised to do so. Other staff members may use their own transport only in the following circumstances:

- Where no suitable public transport (i.e. train or bus) is available
- Where public transport is available only at equal or greater expense
- Where the use of public transport would result in the loss of official time which it is necessary to avoid.

Where more than one staff member is traveling to the same area, arrangements should where feasible, be made to avoid the unnecessary duplication of the use of staffs’ own cars.

A staff member who is authorised to use their own transport while traveling on official business will be paid within the appropriate motor mileage rates approved by the Minister for Finance. These rates will be fixed.
If it is necessary for a staff member to use their own transport constantly in the performance of official business, they will be paid a fixed allowance.

Staff who are required to pay higher premiums to effect insurance cover for their own cars because they necessarily carry goods or equipment while traveling on official business may be recouped, on the production of the necessary receipts, the extra expenditure involved.

The mileage year for the purpose of payment of motor mileage rates runs from 1st January to 31st December each year.

**Use of public transport**
Taxis or cars should be hired only when no suitable public transport is available. Vouchers should be supplied with all such claims.

When a staff member uses their own car where public transport could have been used, without detriment to the public interest, the amount of expenses received will not exceed the cost of the public transport (including that of passengers whose expenses are also payable).

**Journey from home to headquarters**
Travel expenses will not be paid in respect of any portion of a journey which covers all or part of a staff member’s usual journey between home and headquarters.

Where a staff member proceeds on an official journey from home and returns home direct, the traveling allowance payable will be calculated by reference to the distance from home or headquarters, whichever is the lesser.

**Foreign Travel**
Staff members who are required to undertake travel abroad in the course of their official duties should refer to their Directorate for specific guidance in relation to this matter. Click here to view the foreign travel rates on the T-Net.

**Subsistence Allowances**

**Overnight allowance**
A night allowance is not payable for an absence at any place within 100km of the staff member’s home or headquarters. However, in exceptional circumstances and where Teagasc is satisfied that an operational need exists, a night allowance may be paid for an absence on duty at any place within the above distance limits but in excess of 50 km of home or headquarters.

The overnight allowance covers a period up to 24 hours from the time of departure as well as any further period not exceeding 5 hours. It will be paid for each night necessarily spent away from home or headquarters.

**Day allowance**
A day allowance is not payable for an absence at any place within 8 km of the staff member’s home or headquarters.
A day allowance will be paid in respect of absence from home or headquarters of 5 hours or more. Time spent at headquarters or on journeys from home to headquarters or vice versa will not reckon towards the qualifying period of 5 hours.

A night and day allowance will not both be paid in respect of the same period, except in the circumstances as follows:

a) An absence on official duty from a temporary centre for not more than 2 nights plus any nights of the weekend or public holiday will not be regarded as breaking the continuity of stay at that centre for the purpose of reduction of subsistence allowance.

b) A staff member in receipt of detention rate, if absent overnight on official duty from his temporary accommodation and centre, may receive ordinary rates of subsistence allowance for such absence, in lieu of detention rate.

c) Payment of the overnight at (b) will be subject to the staff member being at least 48.27 km (30 miles) from his/her temporary accommodation and centre.

Class changes for Employees on Salaries up to €65,000 per annum
Currently staff earning a salary up to €65,000 claim subsistence at class B rate. From the 1st July 2015 the Class B subsistence rate will cease to apply. Thereafter, subsistence payments for all staff will be paid at class A rate.

Payment of allowances
Allowances will be paid for continuous absence on detached duty in any one place on the following basis:

(A) For visits of inspection or inquiry
- Normal rate for first 14 nights
- Reduced rate for next 21 nights
- Detention rate for next 28 nights
- Thereafter (see note below)

(B) For temporary transfers
- Normal rate for first 14 nights
- Reduced rate for next 14 nights
- Detention rate for next 28 nights
- Thereafter (see note below)

Note: Payment when detention rate ceases

- A staff member obliged to maintain their household while absent may be paid vouched extra expenses necessarily incurred within a limit of 3 nights’ subsistence per week at the appropriate normal rate.
- A staff member who is not obliged to maintain a household but who is obliged to retain their former accommodation may be paid vouched extra expenses necessarily incurred within a limit of one nights’ subsistence a week at the appropriate normal rate.

Paid Lunches

The following deductions must be made from subsistence allowances included in your Travel Claims:

- **Free Lunch:** Deduct a five-hour subsistence allowance from amount being claimed
- **Free Dinner:** Deduct a five-hour subsistence allowance from amount being claimed
- **Free Lunch & Dinner:** Deduct a ten-hour subsistence allowance from amount being claimed
- **Free Breakfast:** Deduct half of a five-hour subsistence allowance
- **Free Board (but no meals provided):** Overnight subsistence allowance may not be claimed; instead claim ten-hour allowance plus five-hour allowance (2 meals plus breakfast)
- **Free Bed and Breakfast:** Subsistence entitlement limited to ten-hour allowance plus half of five hour allowance

**Submitting Travel Claims**
Appropriate travel claim forms must be used and separate claim forms must be submitted for expenses relating to each calendar month. Claims must be submitted as soon as possible after the expenditure has been incurred. In order to ensure the highest standard of governance in the administration of the travel scheme, claim periods should not exceed one calendar month.
12.2 Refund of Travel Expenses for Attendance at Courses

Attendance at Short Training and Development Courses
Where a staff member is required, in the course of their duties, to attend a short course either held internally by Teagasc or externally by a third party they will be entitled to travel and subsistence subject to the normal regulations as outlined in Chapter 10 (travel, subsistence and expenses) of this document. Claims should be submitted in the usual manner.

Where a staff member attends a short training course in his/her own time at night or at weekends and for which funding of fees has been formally approved by Teagasc, he/she may claim travel expenses at the reduced rate subject to the normal regulations as outlined in Chapter 10. Subsistence rates are not payable in this case.

Attendance at Third Level Courses
Where a staff member is attending a University or other Institute in order to obtain a third level qualification, a refund of travel expenses at the reduced rate may be granted provided that:

- Attendance at the course has been approved by Teagasc as outlined in the study and exam leave policy
- The course is being attended at the nearest centre offering the course
- As far as possible, the course is being attended in the staff member's own time
- The staff member is serving outside the urban area in which the course is being attended

Recoupment of travel expenses is restricted to extra travel necessarily undertaken in attending the course, travel between office and home is discounted. All travel should be by the shortest practicable routes and by the cheapest practicable mode of conveyance.

Subsistence rates are not payable for any expense undertaken in association with attendance at third level courses. The only exception to this is specific third level courses of education which are specially commissioned by Teagasc and/or are designated as strategically vital by the Director. In these cases standard subsistence rates, subject to the normal regulations, may apply.

Payment will only be made once in respect of each academic year, it cannot be made in respect of years which are repeated. Claims should be submitted together with the staff member's application for a refund of course and examination fees.
12.3 Removal Expenses

Removal Expenses are allowed when a permanent or temporary/contract staff member is permanently transferred on duty from one location to another within the State, or is permanently transferred on appointment to a higher post.

Removal Expenses are not allowed in the following circumstances:

- where Teagasc is satisfied that a transfer to another location does not justify a change of residence.
- on a staff member’s first appointment.
- where the transfer takes place at the staff member’s request (except where the post would have to be filled by the unrequested transfer of another staff member or where the post would otherwise be filled by a staff member to whom removal expenses would be allowable. In this case, the removal expenses of the staff member who requested the transfer will be allowed).
- where the transfer has been made on disciplinary grounds.
- on resignation or retirement, except in the exceptional circumstances of a staff member occupying official accommodation at the time of retirement.

Information on the following subheadings within the area of Removal Expenses is contained in Circular 6/89 of the Department of Finance Personnel Code:

- Temporary Accommodation during Removal
- Subsistence Allowance at new location
- Costs of Removing Furniture
- Storage Charges
- Cleaning Stored Furniture
- Tenancy Agreements
- Education Fees Fortified
- Expenses of House Purchase and Sale
- Overlapping Rent
- Return Visits to Family etc.
- Limits to Lodging Allowances
- Review of Lodging Allowances
- Special Leave
- Recoupment of Mortgage Redemption Penalty
- Bridging Finance

The most up-to-date information regarding Removal Expenses is contained in Circular 06/2003 of the Department of Finance Personnel Code.
12.4 Use of Teagasc Vehicles and Private Vehicles

**Teagasc Vehicles**
Teagasc has a fleet of vehicles to be used by staff for official business travel. Teagasc vehicles are not normally used for personal purposes. Driving between home and work, whether for normal work time or overtime, is normally considered personal travel.

**Users**
All staff seeking to drive a Teagasc vehicle must have the prior written permission of the Head of Department.

**Licence inspections.**
As per the [Use of Teagasc Vehicle policy](#), staff approved to drive a Teagasc vehicle need to show evidence of a full clean driving licence and this should be inspected at each location on an annual basis.

**Penalty Points/Disqualification from Driving.**
All persons disqualified from driving, for whatever reason, are ineligible to drive Teagasc vehicles during the period of disqualification. Road traffic offences (including violation of parking regulations, speeding fines etc) committed while in control of a Teagasc vehicle are the responsibility of the driver. Any resulting fines will be paid by the individual responsible and not by Teagasc. Persons holding an endorsed driver’s licence and drivers who are known to misuse vehicles will not be permitted to drive Teagasc vehicles. It is essential to advise the Insurance Officer/Administrator of any driver’s licence who is in receipt of 6 or more penalty points. The Insurance Officer/Administrator will notify Insurer’s and in turn notify local administration as to whether this licence holder is insured to drive Teagasc vehicles.

**Students**
At the discretion of the Head of Department, post graduate students who hold a full driving licence and who can confirm that they have not had any accident during the preceding two years may use Teagasc vehicles.

Under no circumstances are summer students permitted to drive Teagasc vehicles. The same prohibition applies to under-graduate students located at Teagasc Centres for work experience or short-term project purposes.

**Procedure for using a Teagasc Vehicle**
Please note that it is the responsibility of the individual concerned to familiarise themselves with the procedures that apply for using a Teagasc vehicle. All staff using a Teagasc vehicle must sign the local register before taking the vehicle and upon returning it to confirm the dates/times it has been used and to confirm that it has been returned in the condition in which it was found. Any defect in a Teagasc vehicle should be reported promptly to the Administrative Officer or other appropriate Manager.
**Private Vehicles**

Where no Teagasc vehicle is available or no cheaper alternative exists, such as public transport, staff may use their own private vehicles to undertake official Teagasc travel. Before so doing, staff must acquaint themselves with the Policy on use of private cars on Teagasc business (link). Staff must have the necessary authorisation from their line manager. In this regard it is necessary for all relevant staff to complete a travel authorisation form. The travel authorisation form must be signed by the staff member and the line manager and submitted to the Finance Department where it will be recorded on file.

Such staff using their own vehicles for official Teagasc travel will be paid the appropriate travel rates and must comply with the rules set out in the policy on travel and subsistence.

Staff applying and managers certifying travel claims must be familiar with the regulations governing travel expenses (Circular 11/82), and must have knowledge of claimants travel requirements in order to approve travel claims in good faith.

Staff members using their own vehicle for official Teagasc travel should ensure that their motor insurance policy is adequate for that purpose ie. Appropriate business cover must be in place with a specific indemnity to Teagasc. In this regard all staff using their own vehicles for official Teagasc travel must complete the private motor insurance form annually. The form confirms that the staff member’s insurance policy is adequate for use on official Teagasc business. Some insurance companies will include this extension at no extra charge, however if a higher premium is required Teagasc will refund this amount. If a refund is required, the receipt should be attached to your normal travel and subsistence claim form and the additional cost incurred included under the ‘other expenses’ column on the claim sheet.

Approvals to use a private vehicle are issued subject to all the provisions of Circular 11/82 including the provisions where more than one staff member is traveling to the same area, arrangements should where feasible, be made to avoid the unnecessary duplication of the use of private vehicles. It should be noted that Teagasc will accept no liability for any loss or damage resulting from the use of a private motor vehicle on official business as the travel rates paid compensate staff members for the cost of comprehensive insurance, tax, fuel and depreciation costs.
12.5 Travel Insurance Policy

Staff members who are required to undertake travel abroad in the course of their official duties will be covered by the organisations' Travel Insurance Policy. As such, it is not necessary for staff members’ to purchase additional travel insurance and it will not be possible to reimburse staff members’ for the cost of any such additional insurance.

The Travel Insurance Policy (with limitations) insures for travel outside Ireland and covers the following:

- Baggage
- Money and Credit Cards
- Cancellation/Curtailment
- Medical Expenses (as a result of accident/illness)
- Personal Accident
- Emergency Travel Expenses
- Passport Indemnity
- Personal Liability
- Hijack

N.B: In the event of lost/stolen baggage, money or credit cards, local police must be notified within 24 hours. A report must be obtained from the police confirming the notification and listing the items stolen including the contents of bags.

Any staff members who are required to travel abroad will be provided with a travel assist card outlining the contact details which will be needed in the event of an emergency arising. These cards can be obtained from your local Staff Officer/Administrative Officer prior to departure.

Any emergency should also be reported to your local Staff Officer/Administrative Officer as soon as practicable. Any other incident which could lead to a claim under the insurance must be reported to your local Staff Officer/Administrative Officer immediately upon your return. All Insurance related claims must be reported to the Teagasc Insurance Officer by Staff Officer/Administrator under the guidelines of the Teagasc Insurance procedures.

It should be noted that this travel insurance policy will only cover travel on official business. If a staff member chooses to stay on at a location for a holiday at their own expense following completion of the official business, personal travel insurance should be arranged to cover this extended period. It should also be noted that accompanying spouses will not be insured for any travel abroad on official business.

The insurance is subject to the terms, exceptions, conditions and limits normally found on a Travel policy.
13 Health & Safety

13.1 Teagasc Policy Commitment

Teagasc is committed to providing and maintaining a safe and healthy working environment for all staff, students, visitors and all those who may be affected by the organisation’s activities. In meeting this commitment, Teagasc will fully adhere to the provisions of the Safety Health and Welfare at Work Act 2005 and all relevant legislation. This policy will be implemented primarily through a Safety Management System, the chief elements of which are (a) a site specific safety statement, (b) staff consultation, (c) safety audits, (d) safety training for staff. Teagasc commits itself to providing all the necessary resources to meet its obligations under health and safety. Teagasc seeks the support of all staff in securing both their own and other staff safety.

13.2 Accident Reporting

All accidents that occur in the workplace must be reported. There are two accident forms which must be completed if an accident occurs:

- **Accident Report Form (ILCS).** This is required for insurance purposes and must be completed for all accidents to Teagasc staff and students. The ILCS form is available from the Insurance Officer. The top copy should be forwarded to the Insurance Officer who will then liaise with our insurers in relation to the accident.

- **Accident Report Form (IR1).** There is a legal requirement to report all accidents to the Health & Safety Authority, where the accident prevents the employee from performing normal duties for more than three working days. The completed IR1 form should be sent to the National Safety Specialist.

It is the responsibility of the Staff Officer or Administrative Officer, in consultation with the local Health & Safety representative to complete both report forms and keep copies. The Area Manager/Head of Centre/College Principal must also be notified of the event.

The contact details for the Insurance Officer is as follows:

Siobhan Culleton, Teagasc, Head Office, Oak Park, Carlow. 059-9183444 087-2858440 email Siobhan.culleton@teagasc.ie

Deirdre Hagney, Teagasc HQ, Oak Park Carlow 059-9183507 deirdre.hagney@teagasc.ie

The Health & Safety Officer is Allan Rossiter, Teagasc, Head Office, Oak Park, Carlow, Co. Carlow. Tel: 087 9697798. allan.rossiter@teagasc.ie
13.3 Working with Visual Display Units

The EU Council Directive 901270/EEC provides an obligation on employers to provide for appropriate eye and eyesight tests for those working with visual display units (V.D.U.s.):

- Before commencing display screen work
- At regular intervals thereafter, and
- If they experience visual difficulties which may be due to display screen work

Teagasc staff working with V.D.U.s. are entitled to an eyesight test every two years, to be paid for by Teagasc (where this is not covered by PRSI). There is a limit of €50 on this refund and staff members should ensure they seek the best value for money in this regard. In addition, if a staff member requires special corrective appliances as a result of working with a V.D.U, Teagasc will make a contribution towards the cost of the appliance provided the corrective appliances are required specifically to operate a VDU unit and for no other purpose.

In order to claim a refund for the cost of the eyesight test, the staff member must submit a receipt to their local office/centre.

If a staff member wishes to claim a contribution towards the cost of a special corrective appliance/lenses as a result of working with a V.D.U, they must ensure that they have supporting documentation from the optometrist which states the purpose of the special corrective appliances/lenses and the cost of same.

The contribution made by Teagasc towards the cost of these is as follows:

- €69* towards the cost of ordinary lenses
- €115* towards the cost of bi-focals

*These rates are current as at October 2008, however they may be subject to change. Please contact HR for the most up to date rate.

How to claim eye test refund or a contribution towards lenses

- To claim a refund for the cost of an eye test, simply submit the receipt to your local staff officer or administrative officer who will reimburse you (provided you have not been covered by PRSI for the cost of the eye test).
- To claim a contribution towards lenses, you should submit supporting documentation from the optometrist to your local staff officer or administrative officer, which states the purpose of the lenses (i.e. required for VDU purposes), the type of lenses and the total paid for them.
- If you are a Head Office Staff member you can submit the relevant receipts/documentation to the HR Department who will reimburse you.
# Appendix 1 – List of Circulars

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