



Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhísí Sláinte
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To:

**Chief Executive Officer
Each National Director
Each Assistant National Director HR
Each Assistant Chief Finance Officers
Each Hospital Group CEO
Each Hospital Group Director of HR
Each Chief Officer CHO
Each CHO Heads of HR
Each CEO Section 38 Agencies
Each HR Manager Section 38 Agencies
Each Employee Relations Manager
Each Group Director of Nursing & Midwifery
Each Group Director of Midwifery
Each Clinical Director**

From: Anne Marie Hoey, National Director of Human Resources

Date: 18th March, 2020

Re: HR Circular 012/2020: COVID-19 FAQs for Public Service Employers in relation to working arrangements and leave associated with COVID-19 (including updates on changes from the containment to delay phase) 13th March 2020

Dear Colleagues

Further to HSE HR Circular 007/2020 *COVID-19 FAQs for the Public Health Service in relation to leave associated with COVID-19*, I wish to advise that the Department of Public Expenditure & Reform (DPER) have issued updated FAQs for the Civil and Public Service to take account of the move from the containment to delay phase of COVID-19. A copy of the updated DPER FAQ document is attached at **Appendix 1**.

Following the Taoiseach's announcement on 12th March 2020, DPER issued *COVID-19 Update on working arrangements for the Civil and Public Service (12 March 2020 until 29 March 2020)*. This document is referenced in the updated DPER FAQs and an online link is provided on page 4 of the



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FAQs. A copy of DPER's *Communication to civil and public service employers and employees on delay phase of COVID-19*, dated 15th March 2020, is attached at **Appendix 2** of this Circular.

In accordance with the provisions set out in the attached DPER FAQs and related documents, health service employers should give due consideration to implementing **flexible working arrangements** to the maximum extent feasible in light of recent developments (for example school/crèche closures). In order to keep services operational, public service employers have been requested to look at the potential to extend opening hours, stagger opening hours and introduce flexible working arrangements. To comply with this direction, health service managers should identify the scope for, and engage with staff on, flexible working options and arrangements to enable employees to continue working (including temporary home working arrangements where feasible) while they are also managing caring responsibilities so that essential services will continue to operate.

As outlined in the DPER FAQs and related documents, as part of the national response to COVID-19, health service employees may be asked on a temporary basis to work in a different role, or even for a different organisation, in order to meet critical work needs. This will also apply to employees who need to be at home for caring responsibilities (for example due to primary school/crèche closure), where temporary assignment to other duties would more effectively facilitate temporary home working or other flexible working options and help deliver critical services.

The revised DPER FAQs contain updated information in relation to the special leave with pay arrangements for public servants and should be read in conjunction with the following:

Special leave with pay arrangements for public health service employees

As previously advised in HSE HR Circular 07/2020, the special leave with pay arrangements for COVID-19 absences only apply to public servants. Individual employers (i.e. HSE and each Section 38 employer) will need to identify which workers fall into the category of public health service employees. As outlined in the updated DPER FAQs, special leave with pay should apply to periods of medically/HSE recommended self-isolation or self-quarantine where flexible working arrangements are not possible, and also to medical diagnoses of COVID-19 infection.

Managers are required to identify and facilitate flexible working arrangements to enable employees in this situation, who are not ill, to be as productive as possible so that they can continue to support the delivery of crucial services. Please refer to DPER's guidance document *COVID-19 Update on working arrangements for the Civil and Public Service (12 March 2020 until 29 March 2020)* and the updated sections in the DPER FAQs. Managers should continue to explore opportunities for work which can be performed at home (both inside and outside the organisation) as critical services come under increasing pressure and reassign employees to suitable alternative duties where appropriate.

Where employees are eligible to receive special leave with pay while absent from work due to COVID-19, payment is based on basic salary and fixed allowances only and excludes unsocial hours premium payments. The total payment is made by the employer. The enhanced arrangements for COVID-19 related illness benefit introduced by the Department of Employment Affairs and Social Protection (DEASP) are intended to reduce the financial loss incurred by workers - employed and self-employed people - who are not adequately covered by occupational sick pay



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arrangements. **Public servants who can avail of the special leave with pay for COVID-19 are excluded from claiming the special DEASP COVID-19 illness benefit payment.** Any instances of public health service employees found to be in receipt of both special leave with pay and the COVID-19 illness benefit will be subject to disciplinary action and the appropriate amount shall be recouped from his/her salary.

As outlined in HSE HR Circular 7/2020, this special payment is separate from normal sick pay and should be recorded separately as "Covid-19 Paid Leave". This separate classification is important for the following reasons:

- (i) to ensure that periods of COVID-19 absences covered by special leave with pay do not impact on an employee's entitlements under the public service sick leave scheme, and
- (ii) to comply with DPER/Department of Health directions to provide an aggregate summary of data/costings for the public health sector. The HSE and each Section 38 employer is required to ensure that relevant data¹ and all expenditure in relation to special leave with pay for COVID-19 can be tracked separately in order to ensure that all exceptional spending on COVID-19 within the health sector is capable of being identified and reported on at national level.

Please note that **HSE HR Circular 8/2020 – HSE National Collection of Daily Absence for COVID-19** sets out further details in relation to the new absence codes to be used by managers to record employee absences specifically relating to COVID-19 and the reporting arrangements for COVID-19 absences. This Circular is available [here](#).

The DPER FAQs contain a new section (page 7): ***"How should advice of the need to self-isolate and self-quarantine be recorded?"*** This section provides that *"In the event that written confirmation is not available, the recording of medical or HSE advice to self-isolate/self-quarantine will take the form of a self-declaration. This does not mean that employees can voluntarily choose to self-isolate/self-quarantine. Medical/HSE advice will be required, however the reporting of same will take the form of a self-declaration."* The appendix to the DPER FAQs contains a sample Self-Declaration Form. HSE and Section 38 employers are required to implement a Self-Declaration Form in respect of health service employees based on the sample form provided in the DPER FAQ document. *A word version of the sample form will be made available and a template for health service employers will be circulated shortly.*

As previously advised, the general principles applying to the management of sick leave, as outlined in the HSE's Managing Attendance Policy and Procedure and HSE Rehabilitation of Employees Back to Work after Illness or Injury Policy, will continue to apply. This includes the requirement for managers and employees to maintain regular contact during the period of special leave with pay. These policies are available from the HSE's website via this [link](#). Section 38 organisations should refer to their relevant HR policies and procedures.

When granting special leave with pay, health service employees are expected to comply at once with any directions which may be given by his/her employer and to take all practicable steps to resume duty as soon as possible. Otherwise, unless adequate reason is shown for non-compliance, the question of withholding pay will arise.

¹ <https://dataprotection.ie/en/news-media/blogs/data-protection-and-covid-19>



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In the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide² confirmation of self-isolation/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.

Foreign travel

All health service employees should refer to and abide by the most up to date travel advice and information provided by the Department of Foreign Affairs and Trade (DFA) on its website, which is available via this link: <https://www.dfa.ie/>

Managers should highlight to employees within their area of responsibility that the DFA's guidelines in relation to foreign travel should be adhered to in the interests of their own health and welfare as well as that of their colleagues.

Please note that there will be a separate HSE HR Circular and guidelines in relation to healthcare workers (HCWs) who return from travel outside the Island of Ireland during the delay phase of COVID-19.

Please ensure that this Circular, updated DPER FAQs and DPER's Communication of 15th March are brought to the attention of managers within your area of responsibility and disseminated to all employees (including those who are absent from work on any type of leave).

Queries

Queries from individual employees or managers regarding these arrangements should be referred to local HR Departments/Employee Relations Departments.

Queries from HR Departments on the contents of this Circular and updated FAQs (including related documents) may be referred to Anna Killilea, Corporate Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2. Tel: 01 6626966, Email: anna.killilea@hse.ie.

Yours sincerely



Anne Marie Hoey
National Director of Human Resources

² Bona fide in relation to a representation or communication means in good faith and well founded in fact. The employer reserves the right to request further confirmation.



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