

## 8.1 Annual Leave Cycle

The annual leave year runs from 1<sup>st</sup> January to 31<sup>st</sup> 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 9<sup>th</sup> 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 1<sup>st</sup> 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 in 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 request annual leave via Core employee self service

Version	Revision Date	Summary of Changes	Policy Owner
2.0	October 20	Change to application process	HR