

CHAPTER 10 – STATUTORY ANNUAL LEAVE/PUBLIC HOLIDAYS

(Should be read in conjunction with the [General Provisions for All Schemes](#), and [Definitions](#))

1. Statutory Annual Leave/Public Holidays

- 1.1 Statutory Annual Leave and Public Holiday entitlement is regulated by the Organisation of Working Time Act, 1997 (as amended). In general, full-time employees are entitled to a minimum of 20 days Annual Leave in each leave year.
- 1.2 Employees who work less than full hours are entitled to Annual Leave on a pro-rata basis.
- 1.3 Under the Organisation of Working Time Act, 1997 (as amended), a teacher on a period of Career Break is entitled to Public Holidays arising in the first 13 weeks of the leave.
- 1.4 In relation to Carer's Leave, under the Carer's Leave Act 2001, a teacher is entitled to Annual Leave and Public Holidays arising in the first 13 weeks of the leave.
- 1.5 Additional Annual Leave will be given in lieu of Public Holidays which occur while the teacher is absent on any of the following leave types:
 - a) Sick Leave
 - b) Maternity Leave
 - c) Adoptive Leave
 - d) Parental Leave
 - e) Career Break
 - f) Job Sharing
 - g) Carer's Leave
 - h) Paternity Leave
 - i) Leave of Absence following Assault
- 1.6 Annual Leave entitlements should be taken on existing school closure days that occur during the relevant leave year. Where a teacher is availing/has availed of another type of leave at a time outside of school closures (e.g. Sick Leave/Maternity Leave), Annual Leave should be taken before or after the relevant leave type.
- 1.7 Where there are not enough school closure days in the leave year to absorb all Annual Leave entitlements, it is permitted to take the necessary days immediately:

- a) prior to Maternity, Adoptive, Paternity and Parental Leave and
- b) after Sick Leave and Leave of Absence following Assault

Alternatively, teachers are permitted to carry the balance forward to the following leave year but must then take this leave during school closures.

- 1.8 A teacher who resigns/retires or whose employment ceases may be entitled to additional payment in lieu of their accrued Leave.

2. Accrual of Annual Leave while on Sick Leave

- 2.1 In accordance with Section 19 of the Organisation of Working Time Act as amended by Section 86(1) of the [Workplace Relations Act 2015](#) the following applies:

- a) Statutory Annual Leave entitlement continues to accrue during a period of certified Sick Leave.
- b) Statutory Annual Leave so accrued during a period of certified Sick Leave must be availed of within 15 months of the end of the annual leave year in which the leave was accrued.
- c) In accordance with paragraph 1.6, such accrued Annual Leave must be taken during existing school closures, where available.
- d) A teacher who is unable to take his/her Annual Leave at the appropriate time due to Sick Leave and where there are insufficient school closures available to absorb this leave and who terminates his/her employment/reaches the end of contract/retires within 15 months of the relevant leave year, may be entitled to payment in lieu of this leave, provided he/she does not move directly to another Oireachtas funded position in this State.
- e) Examples of accrual of Annual Leave are attached at [Appendix A](#).

Appendix A – Accrual of Annual Leave Sample Calculations

Example 1:

Joe on Sick Leave from 01/09/2017 to 31/08/2018.

Annual Leave accrued: 20 days.

Leave to be taken before 30/11/2019.

Joe returns to work on 01/09/2018.

Joe retires on 31/08/2019.

Accrued Annual Leave absorbed in school closures during 2018/19 school year so there is no entitlement to payment in lieu.

Example 2:

Mary on Sick Leave from 01/09/2017 to 31/08/2018.

Annual Leave accrued: 20 days.

Leave to be taken before 30/11/2019.

Mary retires on 31/08/2018.

No opportunity to avail of leave or no school closures available in 2017/18 due to absence on Sick Leave.

Payment in lieu of accrued leave may be granted.

Example 3:

Sarah on Sick Leave from 01/09/2015 to 31/08/2018.

Annual Leave accrued as follows:

Leave year 2015/16: 20 days to be taken before 30/11/2017.

Leave year 2016/17: 20 days to be taken before 30/11/2018.

Leave year 2017/18: 20 days to be taken before 30/11/2019.

Sarah retires on 31/08/2018.

2015/16: No opportunity to take Annual Leave due to absence on Sick Leave, but entitlement foregone as time limit has expired.

2016/17 and 2017/18: 40 days Annual Leave accrued. No opportunity to take leave and no school closures available so payment in lieu of accrued leave may be granted.