



University of Limerick

Career Break Policy

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1 Introduction

1.1 Purpose

The purpose of this document is to outline the operation of the Career Break Policy within the University. This policy incorporates the Leave of Absence procedure previously operated by the University.

In certain cases, University of Limerick employees may be granted a period of unpaid leave as a Career Break for many purposes including but not limited to further education, domestic responsibilities, travel abroad, employment in the private sector or abroad, starting a business. The University recognises that enabling employees to temporarily leave the organisation to develop their skills and experience can benefit all parties on their return.

1.2 Scope

1.2.1 *To whom does the policy apply?*

This Policy and Procedure applies to all employees with 12 months service in the University who have not reached minimum retiring age.

1.2.2 *In what situations does the policy apply?*

Employees who have completed 12 months service and who have not reached minimum retiring age are eligible to apply for a Career Break up to a maximum period of 1 year.

Employees who have completed two years' service and who have not reached minimum retiring age are eligible to apply for a Career Break up to a maximum period of 5 years.

For staff employed by the University on a temporary contract basis, the contract dates must exceed the term of the leave requested.

1.2.3 *Who is responsible for ensuring that the policy (and any associated procedure) is implemented and monitored?*

Line managers will have responsibility to approve/deny Career Break applications in line with the policy and to ensure that Career Breaks approved through the policy do not adversely affect the operating requirements of the Department/School/Division. The Human Resources Division has overall responsibility for the implementation of the Career Break Policy as approved.

1.3 Definitions

1.3.1 Career Break

A Career Break is a period of unpaid leave that may be granted for a minimum period of one month and a maximum period of five years.

Special provisions apply to those elected or appointed to the Oireachtas. Further details are outlined at Section 4.3.

2 Context

2.1 Relevant legislation or Circulars

Career Breaks are not provided for in legislation, however, Special provisions apply to those elected or appointed to the Oireachtas. Further details are outlined at Section 4.3.

2.2 Other Context

Employees can apply for leave for various reasons which may already be more appropriately covered in other leave types. Before choosing to apply for a Career Break, you may wish to explore other options and leave types with your manager or a representative from HR. Other leave types (see HR website for details) include:

- Adoptive Leave
- Annual Leave
- Compassionate Leave
- Force Majeure Leave
- Maternity leave
- Parent's Leave
- Parental Leave
- Paternity Leave
- Sabbatical/Special Research Leave
- Shorter Working Year Leave
- Sick Leave

3 Policy Statements

3.1 Principles

- 3.1.1 While a post is temporarily vacant due to an employee being on Career Break, the post may be temporarily backfilled via a contract appointment.
- 3.1.2 It will not be possible for the staff member to return prior to the date that was originally agreed unless by mutual agreement between the staff member and their manager.
- 3.1.3 A Career Break may be granted for a maximum of five years. Special provisions apply to those elected or appointed to the Oireachtas. Further details are outlined at Section 4.3.
- 3.1.4 A Career Break may be allowed for most purposes including, but not restricted to, further education, domestic responsibilities, travel abroad, employment in the private sector or abroad, starting a business.
- 3.1.5 A Career Break will not be allowed for staff taking up alternative employment within an Irish Public Service Body or another Higher Education Institution in any jurisdiction.
- 3.1.6 The operation of the scheme is subject to the need to ensure that its application does not adversely affect the operating requirements of the Department/School/Division. As such, the granting of any application for a Career Break (or extension of same) will depend on the merits of the application and on the demands and requirements of the University at the time of application. The relevant Head/Manager will determine such requirements. The approval of applications may also be determined by the ability to obtain replacement staff to cover the absence of a person on leave. Within the foregoing limitations the University will endeavour to facilitate staff as far as possible, but refusal of some applications can be expected depending on circumstances.
- 3.1.7 The employee may not be employed by the university on any basis during the term of the Career Break.
- 3.1.8 A Career Break will not count as service and will not reckon for increment, pensions, or promotion purposes.

3.1.9 Staff may not avail of any form of paid leave (e.g. sick leave) during a Career Break.

4 Related Procedures

4.1 Procedure

4.1.1 An employee wishing to take a Career Break (or an extension of same) must apply in writing outlining the reasons for their request via a Leave Application Form (available on the HR website) at least three months in advance of the proposed start date of the leave. This is in order to allow sufficient time to identify a replacement (should a replacement be necessary) before the staff member commences their leave. In exceptional circumstances this notice period may be waived by mutual agreement of the employee, line manager and HR.

4.1.2 The Leave Application Form must be completed by the staff member and approved by the line manager and Head of Department/School/Division and then forwarded to Human Resources for approval by the HR Services Manager. Where an application for a Career Break (or extension of same) is refused, the relevant Head/Manager will inform the applicant in writing setting out the grounds for such a refusal.

4.1.3 The staff member may seek a review of the decision not to award or extend a Career Break within 10 working days of being notified of the decision. The review request must be made in writing to the Executive Dean / Divisional Director. The person conducting the review will make a decision within 10 working days and this decision will be final.

4.1.4 Outstanding annual leave accrued to the date of the commencement of the Career Break must be taken prior to the commencement of the Career Break.

4.1.5 It is the responsibility of the person availing of leave to make arrangements to ensure that any voluntary contributions normally deducted from salary continue to be paid (e.g., additional life cover, health insurance, trade union subscriptions, savings plans, AVCs, etc).

4.1.6 Staff who have received approval to take a Career Break will retain access to their email account and the Employee Self Service for the duration of their leave. Any other IT arrangements needed must be raised directly by the employee with the IT Division in advance of taking leave.

4.1.7 Note that under current PRSI rules, a person availing of Career Break is not earning during the period of leave and is not therefore making PRSI contributions. It is the responsibility of the applicant to establish with the Department of Social Protection the effect that unpaid leave may have on any entitlement to social insurance benefits.

4.2 Procedure for Return to Duty following a Career Break

4.2.1 Staff must inform their line manager in writing, copying HR (compandbens@ul.ie), of their intention to return to work with at least three months prior to the end of the approved leave. In the absence of three months' notice being given by staff of their desire to return to work, the Compensation & Benefits unit will write to the employee to confirm the employee's intentions. However, if the University cannot successfully contact the staff member at the contact details provided by the employee, both postal and email, it may be taken as an intention not to resume duty and as a possible resignation by the staff member from their employment with the University. The University will again contact the employee and point out that their post is at risk of being terminated and point out from when this is likely to take effect. Exceptions will apply in situations where a person is incapacitated and therefore unable to make contact with the University.

4.2.2 If the Career Break is of one year or less in duration, the returning staff member may return to the post held at the commencement of the leave period.

4.2.3 If the Career Break is greater than one year in duration, the university may not be able to guarantee availability of their post on the employee's return. In such cases, the staff member will be offered suitable vacancies as and when they arise at their grade and Department/School/Division at the end of the Career Break. Appropriate vacancies will be determined by the Head of Department/School/Division in consultation with HR. Where a suitable vacancy does not exist at their grade and Department/School/Division, the HR Division will seek to find an alternative suitable position in line with the Reassignment Policy.

4.2.4 An employee who has been on a career break in excess of two full years will be required, prior to return, to undergo a medical assessment and be deemed medically fit by an OHP.

4.2.5 It is recognised that during a long period of absence that business needs may evolve and in limited circumstances a department, role, grade or purpose may no longer exist at the end of this leave. Whilst the University recognises the principle that redundancy should be avoided, it nevertheless acknowledges that

redundancies (as defined by legislation) may be necessary in such circumstances as outlined above. In such situations the University will consult with the recognised trade union in respect of any member affected and will endeavour, in so far as is reasonably practicable, to utilise reassignment as an alternative to redundancy where possible.

4.2.6 Should a fixed term /specified purpose contract vacancy arise and be offered to the employee, there is no obligation on the staff member to accept a fixed term contract. However, if they do so, it is without prejudice to their entitlement to be offered a permanent vacancy at their grade previously held in the Department/School/Division in which they worked should an appropriate vacancy arise. Accordingly, if they accept the fixed-term contract, and if an appropriate permanent vacancy at their grade previously held arises in the Department/School/Division during their fixed-term contract, they would be offered that vacancy. If no such permanent vacancy arises prior to the expiration of the fixed-term contract, the staff member will revert to the same status they held on the initial termination of their Career Break i.e. unpaid and awaiting a suitable vacancy.

4.2.7 Where the University has made an offer of a permanent vacancy to the returning staff member at their previous grade and within their previous Department/School/Division, and this offer has not been accepted within one month, the University of Limerick will not have any further obligations or liability to the staff member as the employee will have effectively resigned their post.

4.3 Arrangements for Staff who are elected or appointed to the Oireachtas

The following shall apply with effect from the commencement of the 32nd Dáil and 25th Seanad term:

4.3.1 A staff member who is elected/appointed to the Oireachtas cannot remain in their post while serving as a member of the Oireachtas.

4.3.2 A staff member who is elected/appointed to the Oireachtas shall be given the option of applying for unpaid leave while serving as a member of the Oireachtas.

4.3.3 Where the staff member is employed in a grade which currently has a Career Break facility, the unpaid leave will be taken by the Oireachtas member in the form of a Career Break.

4.3.4 The Career Break/period of unpaid leave shall not exceed 10 years in duration.

- 4.3.5 The Career Break/period of unpaid leave shall not count as service for incremental credit or incremental progression purposes.
- 4.3.6 The Career Break/period of unpaid leave will not count as pensionable service as the Oireachtas member will be accruing pension under the Oireachtas pension scheme and provision exists to transfer service for superannuation purposes between the Oireachtas pension scheme and other public service schemes.
- 4.3.7 At the end of the 10 year period of Career Break/unpaid leave, the staff member must return to their post or resign from it.
- 4.3.8 Where a replacement staff member is to be employed, they shall be offered a fixed-term or specified purpose contract for the duration of the Career Break/unpaid leave to be terminable on the return or the resignation/retirement of the staff member on Career Break/unpaid leave, whichever is the sooner.

5 Related Documents

Other leave types (see HR website for details) include:

- Adoptive Leave
- Annual Leave
- Compassionate Leave
- Force Majeure Leave
- Maternity leave
- Parent's Leave
- Parental Leave
- Paternity Leave
- Sabbatical/Special Research Leave
- Shorter Working Year Leave
- Sick Leave