



Adoptive Leave Policy All Staff

DOCUMENT CONTROL VERSION & REVISION HISTORY

Version Number	Revision Date	Approved by EMT	Revision Date
Version I	September 2018 (created)	30/10/2018	01 November 2020?

1. INTRODUCTION

The Adoptive Leave Policy and Guidelines, are available to both male and female staff in the Institute.

2. OBJECTIVE

To provide staff with details of entitlements on the following:

- paid adoptive leave and additional unpaid adoptive leave
- the protection of the staff member's rights whilst on adoptive leave
- the periods of notification for either period of leave, and returning to work when leave has ended.

3. ELIGIBILITY AND ENTITLEMENTS

The Adoptive Leave Acts 1995 and 2005 cover the entitlements for all adopting parents and sole adopters, and adopting parent where one parent has died. All staff who commence adoptive leave are entitled to 24 consecutive week's paid adoptive leave. Staff who on commencement of adoptive leave, have less than 24 weeks to run in their contract will be granted paid adoptive leave until the expiry date of their contract.

*** Hourly-Paid staff are not entitled to paid adoptive leave. This does not affect their statutory right to adoptive leave. Refer to Section 9.**

Staff on adoptive leave are entitled to 16 weeks additional unpaid adoptive leave commencing immediately after the adoptive leave. Staff who on commencement of additional unpaid adoptive leave have less than 16 weeks to run in their contract will be granted this leave until the expiry date of their contract.

Where one adopting parent dies before the date of placement, the other adopting parent will be entitled to the adoptive leave. Where an adoptive parent dies at any time on or after the date of placement, the other adopting parent is entitled to take the remainder of the adoptive leave. In this case, the other adopting parent is also entitled to take 16 weeks additional unpaid leave, commencing immediately after taking paid adoptive leave. An adopting parent who on commencement of additional unpaid adoptive leave has less than 16 weeks to run in their contract will be granted this leave until the expiry date of the contract.

4. APPLICATION PROCEDURE

Notification of your intention to take adoptive leave, should be submitted in writing to the Human Resources Department, through your Line Manager at least 4 weeks before the date on which you intend to commence your adoptive leave, and should state the date on which you intend to commence it.

In the case of a domestic adoption, you must provide the Institute with written details of the expected date of the placement. A Certificate of Placement must be supplied as soon as is reasonably practicable after

that date. Particulars of the placement should be also provided as soon as is reasonably practicable, but not later than 4 weeks after the date of placement.

In the case of a foreign adoption, you must provide a copy of the statement of the Declaration of Suitability before the commencement of adoptive leave. Particulars of the placement should be also provided as soon as is reasonably practicable, but not later than 4 weeks after the date of placement. Following receipt of your application for adoptive leave, you will receive written confirmation from Human Resources of the exact dates of your adoptive leave.

All staff who qualify for paid adoptive leave and are paying **PRSI contributions Class A, must also complete the relevant Form for Adoptive Benefit, and enclose this with their correspondence to the Human Resources Department.** The application form and an Information Leaflet are available from the relevant government department.

If you are not eligible for paid adoptive leave and are paying PRSI contributions Class A, you should apply for Adoptive Benefit directly to the relevant government department.

Notice of your intention to resume work should be submitted in writing to Human Resources, through your line manager **at least 4 weeks before** you are due to resume. This is an essential requirement, and also helps to facilitate finalising any deputy arrangements, which may be made to cover the absence.

Additional Unpaid Adoptive Leave

Where practicable, you should give notice of your intention to take additional unpaid adoptive leave, when you are giving your original notice to take adoptive leave, as this will greatly assist the Institute with regard to deputy arrangements.

If this is not possible, you should give notice to the Human Resources Department, in writing, through your line manager of your intention to take additional unpaid adoptive leave **at least 4 weeks before the end date of your 24 weeks' adoptive leave.** It should be noted that additional unpaid adoptive leave does not count as service for superannuation purposes.

5. PAYMENT DURING ADOPTIVE LEAVE

Continuation of salary during adoptive leave is not a statutory entitlement and is contingent upon compliance with the agreed terms and conditions of this scheme.

Any action which necessitates an adjustment to a relevant parent's pay should be notified to the Human Resources Department.

Under the DSP regulations, PRSI contributors at the modified rate (Class D) have no entitlement to adoptive benefit. Therefore no deduction is applied to their salary and they remain on their ordinary rate of pay.

During adoptive leave, relevant parents who have the necessary PRSI contributions are entitled to adoptive benefit from the Department of Social Protection. Claims should be made on the relevant form, which is available from the Department of Social Protection.

The equivalent paternity benefit receivable from the Department of Social Protection will be deducted from your Gross pay. AIT's method of payment to you while claiming paternity benefit will be as follows:

- You will be responsible to claim adoptive benefit from the Department of Social Protection. The Institute will automatically deduct the basic adoptive benefit from your gross pay in the week/month that you commence adoptive leave (depending on your pay frequency).
- If you are entitled to less than the standard payment for adoptive benefit or you are not entitled to any adoptive benefit, you should notify the Human Resources Department [at hr@ait.ie](mailto:hr@ait.ie) so that the correct deduction can be made to your salary.
- You must forward a copy of the correspondence and/or the remittance advice note you have received from the Department of Social Protection. Deductions, where appropriate, will be made during the period of Adoptive Leave.

6. POSTPONING ADOPTIVE LEAVE

Adoptive leave and additional unpaid adoptive leave may be postponed if the child needs to be hospitalised. Any requests to postpone adoptive leave must be made in writing, to the Human Resources Department. The Institute may agree to postpone the leave and if so, the staff member will return to work on a date agreed by him/her and the Institute that is not later than the date on which the leave concerned is due to end. The adoptive leave will be postponed with effect from the date agreed by the staff member and the Institute, and must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital.

If the staff member has postponed their adoptive leave and becomes ill after the return to work, prior to resuming the postponed leave, they will be considered to have started the resumed leave on the first day

of the absence because of illness. Alternatively, they may choose to forfeit their right to resumed adoptive leave, and have the leave treated as sick leave, by notifying the Human Resources Department accordingly, as soon as possible.

7. TERMINATING ADOPTIVE LEAVE

Where the placement of a child with an adopting parent terminates before the expiration of the period of adoptive leave or additional unpaid adoptive leave (other than as a result of the death of the child), the adopting parent should notify Human Resources in writing not later than 7 days after that date.

8. TERMINATING ADDITIONAL UNPAID ADOPTIVE LEAVE DUE TO SICKNESS

If you are ill during the additional unpaid adoptive leave, you may terminate your additional unpaid leave, and may commence sick leave. This request must be made in writing, through your Line Manager to the Human Resources Department. The Institute may agree to terminate the additional unpaid adoptive leave and if so, the additional unpaid adoptive leave will terminate on a date agreed by you and the Institute. It must not be earlier than the date of the commencement of the employee's sickness, and not later than the date on which the additional unpaid adoptive leave would have ended.

Human Resources will notify you in writing of the decision in relation to the request. Where additional unpaid adoptive leave is terminated due to illness, the sick leave will be treated in the same manner as any absence due to sickness. You will not be entitled in the future to the additional unpaid adoptive leave, or part of it not taken by you.

9. GENERAL PROVISIONS

9.1 PUBLIC HOLIDAYS

In the case of eligible academic staff, the following will apply as per CL 0022/2013:

Any obligation in respect of public holidays while on adoptive leave or additional unpaid adoptive leave will be comprehended through days at Easter, Summer and Christmas when there are no lectures/teaching/assessments as per the Institute's Academic Calendar (i.e. outside of term time).

In the case of eligible non-academic staff the following will apply:

Where public holidays fall during the adoptive leave or the additional unpaid adoptive leave, these days will be added to the end of the leave period.

9.2 ANNUAL LEAVE

In the case of non-academic staff, where Institute closure days fall during the adoptive leave period (including additional unpaid adoptive leave) these days will be not deducted from the staff member's annual leave entitlement and will be treated as adoptive/additional unpaid adoptive leave.

In the case of eligible academic staff, the following will apply as outlined in CL 0022/2013:

Any obligation in respect of annual leave while on adoptive leave or additional unpaid adoptive leave will be comprehended through days at Easter, Summer and Christmas when there are no lectures/teaching/assessments as per the Institute's Academic Calendar (i.e. outside of term time).

9.3 SICK LEAVE

Paid sick leave, following adoptive leave, may only be allowed where there is an expectation that the staff member intends to return to his/her position when fit to do so. Such periods of sick leave will be treated in the same manner as any absence from work due to sick leave.

10. FIXED TERM/SPECIFIED PURPOSE WHOLETIME/PRO-RATA CONTRACT STAFF

Fixed Term/Specified Purpose Wholetime/Pro-rata contract staff with 24 weeks or more left to run in their contracts will be allowed paid adoptive leave, less any Adoptive Benefit payable.

Fixed Term/Specified Purpose Wholetime/Pro-rata contract staff with less than 24 weeks to run in their contracts from the date of commencement of adoptive leave, receive paid adoptive leave, less any Adoptive Benefit payable, until their contract expires.

Fixed Term/Specified Purpose Wholetime/Pro-rata contract staff who have less than 24 weeks to run in their contracts, and who are subsequently re-employed directly thereafter, will be paid for the full 24 weeks of their adoptive leave, less any Adoptive Benefit payable subject to the second contract immediately following the first and there being a period of at least 24 weeks to run from the date of commencement of adoptive leave to the expiry date of the second contract.

11. HOURLY-PAID STAFF

Hourly-Paid staff are not eligible to payment from AIT for adoptive leave. This does not affect their statutory right to adoptive leave.

If you are paying PRSI contributions Class A, you should apply for Adoptive Benefit directly to the Department of Social Protection.

12. QUERIES

Contact: Human Resources

E-Mail: hr@ait.ie

RELATED DOCUMENTS

Adoptive Leave Acts, 1995 and 2005; Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 1996

Maternity and Adoptive Leave – Amendments for Academic Staff in Institutes of Technology - Circular Letter

No. 0022/2013