



STATUTORY INSTRUMENTS.

S.I. No. 407 of 2023



**PUBLIC SERVICE MANAGEMENT (SICK LEAVE) (AMENDMENT)
REGULATIONS 2023**

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I, PASCHAL DONOHOE, Minister for Public Expenditure, National Development Plan Delivery and Reform, in exercise of the powers conferred on me by section 58B of the Public Service Management (Recruitment and Appointments) Act 2004 (No. 33 of 2004) (inserted by section 7 of the Public Service Management (Recruitment and Appointments) (Amendment) Act of 2013 (No. 47 of 2013)), and having complied with subsection (4) of that section 58B, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Public Service Management (Sick Leave) (Amendment) Regulations 2023.

(2) These Regulations shall come into operation on 4 September 2023.

Interpretation

2. In these Regulations, “Principal Regulations” means the Public Service Management (Sick Leave) Regulations 2014 (S.I. No. 124 of 2014).

Amendment of Regulation 6 of Principal Regulations

3. Regulation 6 of the Principal Regulations is amended—

(a) in paragraph (1), by the substitution of the following subparagraph for subparagraph (a):

“(a) the relevant person concerned has given not less than 2 years’ service as a public servant, and”,

(b) by the substitution of the following paragraph for paragraph (2):

“(2) Subject to paragraphs (3) and (4), temporary rehabilitation remuneration shall be paid at the rate of 37.5 per cent of the whole amount of remuneration that would otherwise accrue to the relevant person concerned.”,

(c) by the insertion of the following paragraphs after paragraph (2) (as substituted in accordance with subparagraph (b)):

“(3) This paragraph shall apply—

(a) until the date that is 5 years from the date on which the Public Service Management (Sick Leave) (Amendment) Regulations 2023 come into operation, and

(b) to a relevant person, where—

- (i) the relevant person is employed by or holds an office or other position in a relevant employer, and
 - (ii) the rate at which an ill health retirement pension would be paid to the relevant person, if such a pension was granted to that person, is higher than the rate at which temporary rehabilitation remuneration would, but for this paragraph (3), be paid to that person.
- (4) Where paragraph (3) applies, temporary rehabilitation remuneration shall be paid at the same rate as the rate at which an ill health retirement pension would be paid to the relevant person concerned if such a pension were to be granted to the person.”.

Amendment of Regulation 10 of Principal Regulations

4. Regulation 10 of the Principal Regulations is amended—
- (a) by the designation of the existing Regulation as paragraph (1) thereof,
 - (b) by the substitution in that paragraph (1) of “(being a period of 183 days in respect of which sick leave remuneration or temporary rehabilitation remuneration, or a combination of such remuneration, has been paid)” for “(being a period of 183 days in respect of which remuneration at the full rate or the half rate has been paid)”, and
 - (c) by the insertion of the following paragraph after that paragraph (1):
 - “(2) A period that is—
 - (a) not less than 6 months,
 - (b) not reckonable as a period of service for the purposes of the calculation of the superannuation entitlements of the relevant person,
 - (c) unpaid, and
 - (d) not a period in respect of which annual leave accrues, shall not be taken into account when calculating the period of 4 years referred to in paragraph (1).”.

Amendment of Regulation 13 of Principal Regulations

5. Regulation 13 of the Principal Regulations is amended—
- (a) by the designation of the existing Regulation as paragraph (1) thereof,

- (b) by the substitution in that paragraph (1) of“(being a period of 365 days in respect of which sick leave remuneration or temporary rehabilitation remuneration, or a combination of such remuneration, has been paid)” for “(being a period of 365 days in respect of which remuneration at the full rate or the half rate has been paid)”, and
- (c) by the insertion of the following paragraph after that paragraph (1):
 - “(2) A period that is—
 - (a) not less than 6 months,
 - (b) not reckonable as a period of service for the purposes of the calculation of the superannuation entitlements of the relevant person,
 - (c) unpaid, and
 - (d) not a period in respect of which annual leave accrues, shall not be taken into account when calculating the period of 4 years referred to in paragraph (1).”.

Amendment of Regulation 14 of Principal Regulations

6. Regulation 14 of the Principal Regulations is amended, in paragraph (2), by the substitution of the following subparagraph for subparagraph (b):

- “(b) in the 12 months commencing on the date on which the relevant person recommences that person’s duties following the period of sick leave referred to in paragraph (a), a period of sick leave, occasioned by a non-critical illness or injury, occurs on the part of the relevant person.”.

Amendment of Part 5 of Principal Regulations

7. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 15:

“3-day waiting period

- 15A. (1) Subject to paragraph (2), where a relevant person would, but for this paragraph, be eligible for temporary rehabilitation remuneration in respect of a period of sick leave in accordance with this Part, the relevant person shall not be paid temporary rehabilitation remuneration for the first 3 days of the period of sick leave or, in a case in which the period concerned is less than 3 days, that period.
- (2) Paragraph (1) shall not apply where—
 - (a) the relevant person’s entitlement to be paid sick leave has been exhausted as a result of the current period of sick leave, or

- (b) the relevant person satisfies the conditions specified in Regulation 14(2), but is not entitled to the payment of sick leave remuneration as a result of the relevant person ceasing to have any further entitlement to be paid sick leave remuneration under Part 4 for the current period of sick leave.



GIVEN under my Official Seal,
8 August, 2023.

PASCHAL DONOHOE,
Minister for Department of Public Expenditure, NDP
Delivery and Reform.

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