



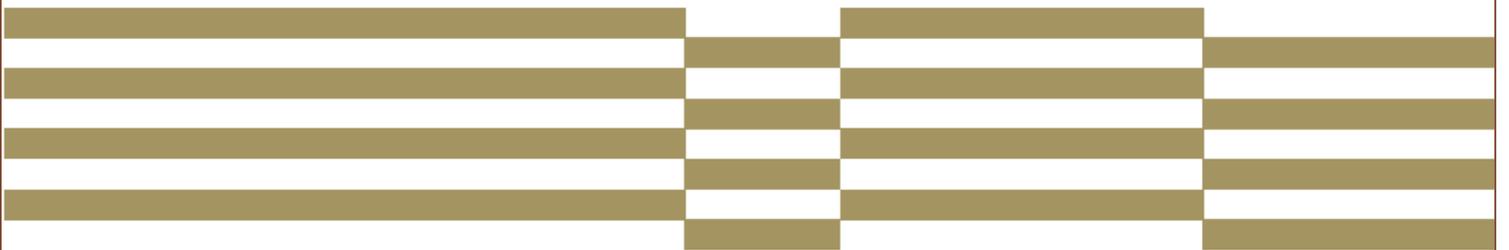
# TUS

**Technological University of the Shannon:  
Midlands Midwest**

Ollscoil Teicneolaíochta na Sionainne:  
Lár Tíre Iarthar Láir

## **Adoptive Leave Policy**

**Human Resources Department**





## Document Control Record

TUS Adoptive Leave Policy	
<b>Document Title</b>	TUS Adoptive Leave Policy
<b>Document Entrust</b>	TUS Human Resources Department
<b>Document Status</b>	Approved
<b>Revision No</b>	1.0
<b>Pages</b>	10
<b>Approval Body</b>	TUS Human Resources
<b>Date of Approval</b>	01/12/2022
<b>Next Revision</b>	2025

Revision History	
Revision No	Comments/Summary of Changes
1.0	AIT/LIT policies reviewed with differences identified and agreed for a TUS Policy. All Unions consulted and changes agreed.
1.1 (June 2023)	Application method updated with ESS procedure

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## 1. Introduction

The Adoptive Leave Policy and Guidelines applies to employees in the Technological University of the Shannon: Midlands Midwest (TU).

This policy is intended to provide employees with details on their entitlement to paid adoptive leave and additional unpaid adoptive leave, the protection of an employee's rights whilst on adoptive leave, the periods of notification for either period of leave, and, returning to work when the leave has ended. This policy has been written with reference to the Adoptive Leave Acts and Circular Letter No. 0022/2013.

## 2. Objective

To provide employees with details of entitlements on the following:

- paid adoptive leave and additional unpaid adoptive leave
- the protection of the employee'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 cover the entitlements for all adopting parents and sole adopters and adopting parent where one parent has died. Whilst the Marriage Equality Act 2015 and Adoption (Amendment) Act 2017 allow for same-sex couples who are in a civil partnership/marriage to adopt, there is no legislation in place to allow for one of two adopting fathers or one of two adopting mothers to apply for adoptive leave, or for an adoptive mother/father to apply where the other adoptive mother/father has died. However, in line with best practice and equality legislation this policy will encompass the following arrangements:

- a) A sole adopting parent of any gender.
- b) Two adopting parents of any gender\*.
- c) Where an adopting parent has died before the date of placement, the other adopting parent can avail of this leave.

\* In circumstances where both adopting parents are employed by the TU, adoptive leave will be granted to one employee only.

All employees who commence adoptive leave are entitled to 24 consecutive week's paid adoptive leave. Employees 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.

**Casual Hourly-Paid employees are not entitled to paid adoptive leave. This does not affect their statutory right to adoptive leave.**

Employees on adoptive leave are entitled to 16 weeks additional unpaid adoptive leave commencing immediately after the adoptive leave. Employees, 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 & Guidelines**

The notification of the employee's intention to take adoptive leave should be submitted for approval via the Employee Request facility on the Employee Self Service system (ESS), **at least 4 weeks before the date** on which the employee intends to commence their adoptive leave and should state the commencement date.

In the case of a domestic adoption, the TU must be provided 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, the employee 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 the employee's application for adoptive leave, the employee will receive written confirmation from Human Resources, of the exact dates of their adoptive leave.

All employees who qualify for paid adoptive leave and are paying PRSI contributions Class A, should make a claim to the Department of Social Protection (DSP) to receive Adoptive Benefit. The application form and an Information Leaflet SW 37 are available from the DSP. The TU will deduct the value of the Adoptive Benefit payment from the employee's salary.

If the employee is not eligible for paid adoptive leave and is paying PRSI contributions Class A, the employee should apply for Adoptive Benefit directly to the relevant government department (Form AB 1).

## 5. Additional Unpaid Adoptive Leave

Where practicable, notice of the employee's intention to take additional unpaid adoptive leave should be given with the original notice to take adoptive leave, as this will greatly assist the TU with regard to backfill arrangements.

If this is not possible at the given time, application should be submitted for approval via the Employee Request facility on ESS, **at least 4 weeks before the end date of the 24 weeks' adoptive leave.** It should be noted that additional unpaid adoptive leave does not count as service for superannuation purposes.

## 6. 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 normal rate of pay.

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

The equivalent adoptive leave benefit receivable from the DSP will be deducted from the employee's gross pay. The TU's method of payment to the employee while claiming adoptive benefit, will be as follows:

- It is the employee's responsibility to claim adoptive benefit from the DSP. The TU will automatically deduct the basic adoptive benefit from the employee's gross pay every fortnight/month when they commence adoptive leave (depending on their pay frequency).
- If the employee is entitled to less than the standard payment for adoptive benefit or the employee is not entitled to any adoptive benefit, the employee should notify the Human Resources Department so that the correct deduction can be made to their salary.
- The employee must forward a copy of the correspondence and/or the remittance advice note, they have received from the DSP. Deductions, where appropriate, will be made during the period of adoptive leave.

## **7. 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 adoptive leave may be postponed with effect from the date agreed by the employee and the TU and must be taken in one continuous period, commencing not later than 7 days after the discharge of the child from hospital.

If the employee has postponed their adoptive leave and becomes ill after their 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.

## 8. 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.

## 9. Terminating Additional Unpaid Adoptive Leave due to Sickness

If the employee falls ill during the additional unpaid adoptive leave, they may terminate their additional unpaid leave, and may commence sick leave. This request must be made in writing, through their line manager/supervisor to the Human Resources Department. The TU may agree to terminate the additional unpaid adoptive leave and if so, the additional unpaid adoptive leave will terminate on the agreed date. 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 the employee 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. The employee will not be entitled in the future to the additional unpaid adoptive leave, or any unpaid adoptive leave not taken.

## 10. General Provisions

### 10.1 Public Holidays

**In the case of eligible academic employees, the following will apply as outlined in 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 TU's Academic Calendar (i.e. outside of term time).

**In the case of eligible professional, management & support employees 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.

## 10.2 Annual Leave

The Annual leave year runs from 01 January to 31 December each year.

**In the case of eligible professional, management & support employees** where TU closure days fall during the adoptive leave period (including additional unpaid maternity leave) these days will not be deducted from the employee's annual leave entitlement and will be treated as adoptive/additional unpaid adoptive leave.

**In the case of eligible academic employees, 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 TU's Academic Calendar (i.e. outside of term time).

## 10.3 Sick Leave

Paid sick leave, following adoptive leave, may only be allowed, where there is an expectation, that the employee intends to return to their 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.

## 10.4 Pre-Adoption Classes and Meetings

Employees are entitled to time off from work, without loss of pay, to attend any pre-adoption classes and meetings with Social Workers and/or Health Board officials which they are obliged to attend. Evidence of such classes and meetings should be submitted to the Human Resources Department, not later than 2 weeks in advance.

## 11. Casual Hourly-Paid Employees

Casual Hourly-Paid employees are not eligible to payment from the TU, for adoptive leave. This does not affect their statutory right to adoptive leave. If the employee is paying PRSI contributions Class A, they should apply for Adoptive Benefit directly to the DSP. (Form AB 1)

## 12. Return to Work

An employee must give notice in writing to Human Resources of their intention to return to work, **not less than four weeks** before the date they are due to resume. This notice must be submitted in writing to HR and copied to their relevant line manager/supervisor. This is an essential requirement, and also helps to facilitate finalising any backfill arrangements, which may be made to cover the absence. Requests to resume duty earlier than the expected end date of adoptive leave, will be considered in the first instance by the line manager/supervisor in consultation with HR.

## Queries

For enquiries on this policy please contact the relevant HR Department:

TUS Midlands: [hr.midlands@tus.ie](mailto:hr.midlands@tus.ie)

TUS Midwest: [hr.midwest@tus.ie](mailto:hr.midwest@tus.ie)

## Related Documents/Links

Maternity and Adoptive Leave-Amendments for Academic Staff in Institutes of Technology - Circular Letter No. 0022/2013

Websites AB1 Form <https://www.gov.ie/en/form/ce846b-adoptive-benefit-ab1/>