



An Roinn Caiteachais  
Phoiblí agus Athchóirithe  
Department of Public  
Expenditure and Reform

# Guidance and FAQs for Public Service Employers during COVID-19

In relation to working arrangements  
and temporary assignments across  
the Public Service

26 November 2021

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## List of Acronyms

DSP	Department of Social Protection
DFA	Department of Foreign Affairs
FAQs	Frequently asked questions
GDPR	General Data Protection Regulation
HSA	Health and Safety Authority
HSE	Health Service Executive
HPSC	Health Protection Surveillance Centre
LEEF	Labour Employer Economic Forum
NSSO	National Shared Services Office
PHRA	Public Health Risk Assessment
SLWP	Special Leave with Pay
T&S	Travel and subsistence
WFH	Working from Home

## Background

This guidance document for Civil and Public Service employers supersedes previous guidance and FAQs issued relating to Civil and Public Service working arrangements and temporary assignments during COVID-19. These arrangements apply to all Civil and Public Service employees.<sup>1</sup>

Everything that has been managed and achieved during the COVID-19 pandemic restrictions has involved an unprecedented collaboration and cooperation across the entire civil and public service, operating to provide a single integrated response.

The FAQs have been prepared to assist employees and management in the Civil and Public Service to understand the process, rules and expectations associated with work arrangements during the COVID-19 recovery period across the public service.

These arrangements apply during the time that COVID-19 pandemic restrictions remain in place.

These FAQs will be updated in response to queries that are received centrally. The most up-to-date version of these FAQs will be available at [www.gov.ie/per](http://www.gov.ie/per).

The Civil and Public Service need to ensure that our services have the potential to be flexible and responsive to any changes that may be needed based on public health advice. The guidance is continually reviewed, and employers will be advised of any changes.

Subject to expert public health advice in light of developing circumstances on COVID-19, the general principles or FAQ material may be subject to updating or other amendment. Employers retain the right to withdraw or amend provisions in light of developing circumstances.

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<sup>1</sup> Individual employers will need to identify which employees fall into the category of public service employees.

## Principles (updated)

The Government, taking into account the latest public health advice, has decided that, with effect from midnight on Thursday 18 November, everyone should return to working from home, unless it is necessary to attend the workplace in person. This new guidance marks a return to the situation as it applied prior to the phased return to the workplace which started on 20 September.

The general principles to apply to the working arrangements during COVID-19 in the Civil and Public Service include:

<b>Public health</b>	<b>Business need</b>	<b>One Public Service</b>
Safeguarding the health of both the public in their interaction with the public service, and employees, is central to how we organise work. Public service employers and employees must comply with measures for safeguarding public health and safety of the workplace, including related legislation and Government advice.	We must deliver the services that the public need and expect in a changing delivery environment. Openness, transparency and consistency will underpin service delivery and decision-making. The employer determines the criteria for return to the workplace according to business needs.	Throughout the COVID-19 pandemic we have operated as a unified, One Public Service and accordingly these FAQs are developed in order to ensure transparency of decision making and agree on the overriding principles which apply, while recognising individual needs of certain sectors.

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# 1. Attendance in the work premises during COVID-19

## UPDATED 1.1 Work premise attendance

The Government, taking into account the latest public health advice, has decided that, with effect from midnight on Thursday 18 November, everyone should return to working from home, unless it is necessary to attend the workplace in person. This new guidance marks a return to the situation as it applied prior to the phased return to the workplace which started on 20 September.

Where attendance in the workplace is necessary, the [Work Safely Protocol](#) continues to provide clear and important guidance on the Public Health infection prevention and control measures required in every place of work to prevent and reduce the spread of COVID-19. If concerns arise in the workplace, workers should engage with the employer through the Lead Worker or other representative.

Attendance at work premises should be for specific business purposes appropriate to each sector and taking into account the updated guidance regarding working from home. The LEEF Consultative Group published a [guidance note](#) on 17 November 2021 and updated the Work Safely Protocol on 18 November 2021 which takes into account the latest public health advice.

For those who must attend the workplace, the HSA has produced a checklist for the return to the work premises, including a checklist on [Returning to the Office](#), which has been drafted based on the *Work Safety Protocol* and should be read in conjunction with it. Employers, in conjunction with the Lead Worker Representative and employees, should work together to ensure that on return, all necessary and practicable steps are in place in the workplace to prevent the spread of COVID-19. How this will work in practice is dependent on the individual circumstances of each workplace/premises, having regard to issues such as physical distancing and other public health measures.

While physical distancing requirements remain in place in relation to the work premises, employers may continue temporary alternative arrangements or implement new temporary arrangements, e.g. flexible shifts, staggered hours, longer opening hours, blended working patterns, weekend working etc. to continue to facilitate physical/social distancing and public health requirements, where feasible. There should be engagement between management and unions/associations, in line with appropriate arrangements, for any such continued or new arrangements.



Employers must ensure that all work premises have implemented robust pre-return to workplace procedures, where not already in place, and that all procedures comply with the Work Safely Protocol. These procedures should be clearly communicated to employees. The [Protocol](#), which is a revision of the previous Return to Work Safely Protocols, was updated on 18 November 2021 and incorporates current public health advice. It outlines the measures needed to reduce the spread of COVID-19 and to facilitate the re-opening of workplaces following temporary closures. The protocol is supported by a guidance note on returning safely to the workplace.

For further information on recommended health measures, employers should read the Protocol in detail.

Employers should ensure that they have properly implemented the advice in the Protocol and ensure that it is tailored, where necessary, to meet the unique set of circumstances pertaining to each sector and workplace location.

Some employers have continued to have employees in their work premises throughout the COVID-19 pandemic. Employers should ensure that the Protocol is reviewed in respect of all employees i.e. employees required to return to the work premises and those employees who have continued to work on site. There may be additional issues to consider to ensure compliance with the Protocol for those employees who are already working onsite.

All employees have a critical role in ensuring that the procedures of the Protocol are followed to suppress COVID-19 in their workplace. It is incumbent on all employees who are required to attend the workplace to fully comply with their organisation's COVID response plan. Cooperation between employees, the lead worker representative(s) and the employer are fundamental to ensuring that the measures are adhered to.

## **1.2 How should employers appoint lead worker representative(s)?**

The process for the selection and appointment of lead worker representative(s) should be discussed at an organisational level between employers, employees and employee representatives. There should be engagement between management and unions/associations, in line with appropriate arrangements, for engagement on the implementation of the Protocol. The lead worker representative may be a union member, or another member of staff, and will be appointed by the employer. Any arrangements should have the confidence of all parties.

### 1.3 What is the role of the lead worker representative(s)?

Organisations should ensure they continue to communicate with staff on any changes to working arrangements, and engage with their Lead Worker Representatives, on any future or additional return to work premises plans.

The Protocol requires that each workplace should appoint at least one lead worker representative who will assist employees and together with the employer be responsible for ensuring safety measures are being followed. Lead worker representatives should be clearly identifiable, and the employer should ensure they receive the necessary training to carry out the role.

Lead worker representative(s) should:

- Work collaboratively with the employer to ensure, so far as is reasonably practicable, the safety, health and welfare of employees in relation to COVID-19.
- Promote good hygiene practices such as washing hands regularly and maintaining good respiratory etiquette along with maintaining physical/social distancing in accordance with public health advice.
- Assist with the implementation of measures to suppress COVID-19 in the workplace.
- Monitor adherence to measures put in place to prevent the spread of COVID-19.
- Consult with colleagues on matters relating to COVID-19 in the workplace.
- Make representations on behalf of their colleagues on matters relating to COVID-19 in the workplace.

### 1.4 When should the COVID-19 Return to Work Form be completed?

The Work Safely Protocol COVID-19 Pre-Return to Work Form is one of the measures designed to assist with the safe return to the workplace.

Whilst the Return to Work Form is only to be completed once and the form itself does not need to be resubmitted, employers may request employees to reconsider the questions in the return to work form, for example following an extended period of absence from a workplace (e.g., following annual leave, travel or where the employee may only access the work premises infrequently). **Employees should**

**have regard to any changes in their circumstances in relation to the questions and notify their manager/HR immediately.**

The content of the pre-return to work form is special category data under GDPR and accordingly sufficient safeguards should be put in place to ensure that the process for collection, processing and storing of the information is proportionate and secure. The form should be destroyed upon the employee's return to the work premises. Employers may wish to keep a log of employees who have completed Return to Work form for audit purposes. Any such log must not contain special category personal data.

## **1.5 What if an employee shows symptoms of COVID-19 in the employer's work premises?**

It is important to emphasise that any employee who is displaying any symptoms of COVID-19 – regardless of vaccination status - does not attend the workplace.

The health and wellbeing of employees is of utmost importance. If an employee becomes unwell in the work premises, employers should ensure that arrangements are put in place which take account of the requirements in the [Work Safely Protocol](#), the [Health and Safety Authority](#), and the Health Protection Surveillance Centre ([HPSC](#)) website for guidance. These arrangements should be clearly communicated to employees. Sectors may need to refer to their own emergency protocols or arrangements as necessary where these exist.

## **1.6 What happens if an employee is diagnosed with COVID-19?**

In line with the [HSE Contact Tracing Process](#), contact tracers will directly contact all relevant persons who have been in contact with a confirmed case, or the person will be notified through the COVID Tracker App. The instructions of the HSE should be followed and employee confidentiality is essential at all times.

Employees are encouraged to download the [COVID Tracker App](#) to their mobile device as this will assist with the contact tracing process. It should be noted that in incidents where a full Public Health Risk Assessment is undertaken, information from the COVID19 tracker application is included as part of this assessment. Individuals should follow any actions which are advised by the Medical Officer of Health / Health Protection Medical Team.

For information on management of a case or cases (an outbreak) in the workplace, please refer to the Appendix 9 in the Work Safely Protocol and the HPSC website.

## 1.7 Is temperature testing required?

The Protocol notes that temperature testing should be implemented in line with public health advice. Currently there is no general public health requirement to undertake temperature testing/screening in the workplace, apart from in certain sectors and workplaces where public health have advised its use. If undertaken, the results of temperature testing are considered special category data under GDPR.

## 1.8 Are face coverings required in the workplace?

Observing physical/social distancing, appropriate hand hygiene and cough and sneeze etiquette are the most important measures individuals can take to protect themselves and others from COVID-19 in the workplace. Face coverings should not be used in lieu of following physical/social distancing or proper hand and cough etiquette, but they may be used in addition to these protective measures, especially where maintaining physical/social distancing is difficult.

Office locations are not currently listed as locations where faces coverings must be worn. (Please refer to this list <https://www.gov.ie/en/publication/aac74c-guidance-on-safe-use-of-face-coverings/> for guidance.) Public Health advice remains that face coverings should be worn in places or situations where it may be difficult to achieve or maintain physical/social distancing. This might include:

- When entering and exiting buildings.
- Public access areas of buildings, including receptions/foyers and public counters.
- When moving throughout buildings to toilets, photocopiers, on stairwells etc.
- Canteens and kitchen areas (prior to and after eating) or when using facilities such as boilers, toasters.

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## 2.High Risk & Very High Risk Categories

### 2.1 Should employees who are at high risk for serious illness from COVID-19 attend the work premises?

Employers should continue to facilitate this group where possible in terms of flexible working arrangements, including working remotely where such arrangements are appropriate to the business needs. Employers are working to implement measures to ensure the safety of the workplace for all employees, as provided for in the Work Safely Protocol.

High risk employees who are required to attend the work premises, in accordance with HSE advice, should take extra care to practise physical/social distancing where possible and wash their hands regularly and properly.

### 2.2 Should employees who are at very high risk for COVID-19 attend the work premises?

Employees should declare to their employer if they believe that they are at very high risk of COVID-19. Please refer to the [HSE website](#) for more information.

The employer's Occupational Health service should be consulted for employees in the very high risk category, or to determine if an employee falls into this category, and to advise on whether the employee can attend the work premises.

The Civil Service CMO advises that as our knowledge of COVID-19 has increased, some conditions that previously placed employees in the very high risk category now place them in the high risk category or in some instance in the normal risk category. In addition an employee's risk categorisation may now have changed due to vaccination and / or history of recent confirmed COVID infection.

Therefore if an employee has previously been placed in the very high risk category, and their work activities now cannot be performed offsite, then referral to occupational health for updated COVID risk categorisation may be appropriate to see if they can resume onsite.

In instances where an employee is very high risk and has been advised to work from home, and their current role is not suitable for remote working, then they may be assigned work outside their usual core duties/given a new role.

Employees in the very high risk category who wish to return to the work premises should contact their HR unit for further information.

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## 3. COVID-19 special leave with pay arrangements

### UPDATED 3.1 When does special leave with pay apply during COVID-19?

Special leave with pay is used in lieu of sick leave for COVID-19 to assist in the prevention of the possible onward spread of COVID-19 in the work premises.

[Circular 2/1976, which covers special leave with pay](#) should only apply in lieu of sick leave for COVID-19 when an employee is required to self-isolate and is displaying symptoms of COVID-19 or had a positive PCR test. Medical or HSE advice should be followed. The HSE sets out the latest criteria for self-isolation at [this link](#).

Special leave with pay in all sectors **does not** apply to individuals who are restricting their movements, or who are in the very high risk category and are cocooning.

Special leave with pay only applies to employees who were rostered or due to be working. Special leave with pay cannot be substituted for other forms of leave, for example annual leave. If employees are on annual leave and have valid certification they can opt to apply for sick leave as per the normal rules.

Please see the Quick Guide of Scenarios at Appendix 4 for further details of when special leave with pay applies.

The general principles applying to the management of sick leave, for example the requirement of employees to contact managers, and for ongoing contact with employees who are on special leave for this purpose, will apply. As per normal practice, all sickness absences of 28 days duration must be referred to occupational health, including absence attributed to COVID-19. This includes any period of special leave with pay for COVID-19.

Any special leave with pay granted for the purpose of self-isolation and/or diagnosis of COVID-19 will not be counted as part of the employee's sick leave record. Appropriate medical/HSE confirmation of the need to self-isolate and/or a diagnosis of COVID-19 will be required for the duration of the absence. The confirmation may be in the form of the PCR test result e.g. in cases of self-referral.

Note that at any stage if an employee states that they feel well enough to work, but have tested positive for COVID-19 or are self-isolating because they were symptomatic, the employer may facilitate working from home instead of special

leave with pay, if this is feasible and agreeable to both parties. They must not attend the work premises and must also follow Medical and HSE advice as it relates to self-isolation.

From 1 January 2021, in instances where an employee has a confirmed case of COVID-19, special leave with pay may continue for up to 28 calendar days if necessary and where it is supported by a positive PCR test for COVID-19 and ongoing medical certification. If an employee is still unwell after 28 calendar days they will move to ordinary sick leave arrangements, including a referral to occupational health.

In certain circumstances, where an employee had been in the work premises<sup>2</sup> (outside the home) during the 14 days prior to commencing the self-isolation period of a positive case of COVID-19, special leave with pay may be extended beyond 28 calendar days if necessary and where it is supported by a positive PCR test for COVID-19, ongoing medical certification and the involvement of occupational health. Occupational health will need to confirm that the individual's absence relates primarily to ongoing COVID-19 illness, and that they are accessing appropriate medical care.

Managers will be required to certify that the employee was in the work premises in any of the 14 calendar days prior to commencing the self-isolation period. Any work premises attendance must have been known to and agreed by the manager in advance. Employees who attended the work premises without the knowledge or approval of their manager will not be considered to have attended for the purposes of the continuation of special leave with pay.

When granting special leave with pay, as per clause 31.2 of [Circular 2/1976](#), "the officer will be expected to comply at once with any directions which may be given by [their] Department and to take all practicable steps to resume duty as soon as possible. Otherwise, unless adequate reason is shown for non-compliance, the question of withholding pay will arise". Employees are not entitled to days in lieu of bank holidays whilst in receipt of special leave with pay.

In the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide<sup>3</sup> confirmation of self-isolation/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.

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<sup>2</sup> The work premises includes any location, outside the home, an employer requires an employee to attend as part of the role, e.g. field work

<sup>3</sup> Bona fide in relation to a representation or communication means in good faith and well founded in fact. The employer reserves the right to request further confirmation.

The arrangements relating to the application of special leave with pay for COVID-19 is temporary, and will be kept under regular review.

## **UPDATED 3.2 Close contacts and restricted movements**

The HSE sets out the latest criteria for restricted movements following close contact at: <https://www2.hse.ie/conditions/coronavirus/close-contact-and-casual-contact.html>

For individuals who are fully vaccinated, or had a positive COVID-19 PCR test in the last 9 months, and have no symptoms there is no requirement to restrict movements as a close contact of a confirmed case<sup>4</sup> different arrangements may apply for household close contacts<sup>5</sup> or where specifically requested to do so by Public Health. Individuals who are not fully vaccinated will need to restrict their movements and get a PCR test. Please see the HSE information at [this link](#).

Employers should ensure that they are aware of the most up to date information on gov.ie in relation to close contacts. Special leave with pay does not apply to employees who are required to restrict their movements as they are not ill.

Where an employee is required to restrict their movements the employer must facilitate working from home. If remote working in an employee's current role is not feasible, then the assignment of work may be outside of their usual core duties. Employees must cooperate with all such flexibilities while they are restricting their movements.

In all such cases, employees remain available for work whilst at home, where they have been advised to restrict their movements as a precautionary measure.

This FAQ does not apply to employees who are required to restrict their movements arising from travel abroad (see FAQ 4.4).

## **3.3 What if an employee has another illness?**

Any non-COVID-19 illness will be recorded as ordinary certified sick leave and the usual rules governing [sick leave](#) will apply.

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<sup>4</sup> In certain instances a weakened immune system may change this guidance – the contact management team will advise based on the individual's circumstances.

<sup>5</sup> Please see the Quick Guide of Scenarios at Appendix 4 for further details in relation to household close contacts.



## **UPDATED 3.4 What documentation is required from the employee for special leave with pay?**

If an employee is displaying symptoms and/or has a positive PCR test for COVID-19 then the period should be recorded as special leave with pay. Special leave with pay for COVID-19 is being used in place of sick pay. As noted, special leave with pay should only apply when an employee is required to self-isolate and is displaying symptoms of COVID-19 or had a positive PCR test. Medical or HSE advice should be followed. As the public health advice allows for self-referral for COVID-19 testing when someone has COVID-19 symptoms, SLWP may also be granted to employees in this scenario, providing they produce the results of their PCR test as confirmation.

Appropriate medical/HSE confirmation of the need to self-isolate and/or a diagnosis of COVID-19 will be required. In the event that written confirmation is not available, this may take the form of a self-declaration in certain circumstances, where it is accompanied by text message confirmation, for example. How this will work in practice will vary based on the unique circumstances of each employer. For example, employers may wish to implement a self-declaration form on return to work (see appendix 2 for a sample), which is completed by the employee and signed off by the employer. In instances where the employee has undertaken a COVID-19 PCR test, they may be required to provide the results to their employer, for example for occupational health purposes.

The employer should clearly communicate to employees the information required to be provided and the notification process. See guidance at the end of this document for more details on notification requirements.

Self-declarations and/or accompanying certification/confirmation should be retained by Local HR on the individual's personnel file and should be subject to audit.

For employers within the NSSO customer group the notification process will include the requirement that managers raise a case, in the same way as for sick leave, for special leave with pay on the PeoplePoint system. (Note that the employee will need to engage with management in their Department/Office in terms of certification/documentation/confirmation of PCR test, rather than sending it to the NSSO.)

### **3.5 An employee is on special leave with pay, can they claim the DSP Illness Benefit for COVID-19?**

Public Service employees who can avail of the special leave with pay for COVID-19 are excluded from claiming the special DSP COVID-19 illness benefit payment. Any instances of civil or public servants found to be in receipt of both special leave with pay and the COVID-19 illness benefit will be subject to disciplinary action.

### **3.6 What is the process for a return to the employer's work premises after a positive case of COVID-19?**

Please note that this FAQ relates to a return to work in the employer's work premises. These arrangements do not preclude employees from returning to work at home at an earlier stage if this is feasible, depending on the situation of each case.

Note: Sectors may need to refer to their own arrangements as necessary where these exist.

The Civil Service CMO advises where the individual has had a positive PCR test for COVID-19 an employee needs to be 10 days post onset of symptoms and also 5 days fever free (which may run concurrently) before returning to the workplace. Please note that the 10 days is from onset of symptoms and not the date of receiving a positive COVID-19 PCR test result.

If employees cannot provide certification they will be asked by their manager to complete a self-declaration form (see appendix 2 for a sample form). Managers should be mindful of confidentiality and alert the employee to any follow up actions that are required on their return to work.

Any forms and/or, where applicable, accompanying certification, should be forwarded by managers to and retained by Local HR on the individual's personnel file and should be subject to audit.

NSSO customer group employees should be advised not to forward the forms or certificates to the NSSO but rather to their own organisation.

The HSA has produced guidance for a return to the work premises. Please refer to [this link](#) for more information.

### **3.7 What if an employee has had a negative PCR test for COVID-19?**

**For individuals who have COVID-19 symptoms:** For individuals who were tested because they had symptoms of coronavirus and receive a negative PCR test result, they should continue to self-isolate until they have not had any symptoms for 48 hours. They can return to normal activities once 48 hours without symptoms. The usual rules applying to certification/self-declaration (as per FAQs 3.1 and 3.6) continue to apply. **For individuals who are close contacts:** Please refer to FAQ 3.2 and Appendix 4.

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## **4. Working arrangements during COVID-19**

### **4.1 How should flexi-time operate during the period of COVID-19?**

The normal operation of flexi-time, or equivalent attendance management rules, including any flexi-time accruals and deficits, continues to remain temporarily suspended for those employees who are working under different arrangements. This includes those who are working from home and working different shift patterns etc., which are required in order to support physical/social distancing and public health requirements.

Flexi-time arrangements were re-introduced with effect from 24 August 2020 and/or commencement of the organisation's next viable flexi period. This arrangement applies only in circumstances where employees are attending the employer's work premises and are working their normal, pre-COVID work attendance patterns.

For those employees where flexi-time remains temporarily suspended, this arrangement does not preclude employers from using clocking in and out arrangements for monitoring purposes. Any balances accrued by employees before the suspension of flexible working hours arrangements can continue to remain and be held over until the COVID-19 working arrangements are no longer in place.

### **4.2 Is special leave with pay available for caring responsibilities?**

There is no special paid leave available for COVID-19 caring arrangements during this time.

Any employee who wishes to avail of existing leave allowances during this time is entitled to have such requests considered by their employer, as always, including parental leave, annual leave etc.

### **4.3 Should employees who live with very high risk individuals attend the work premises?**

Employees who live with very high-risk individuals should follow the HSE guidelines to protect themselves and to minimise risk of transmission. The

implementation of the Work Safely Protocol is intended to minimize the risk of transmission in the workplace.

## **4.4 Guidance on international travel**

From 19 July 2021, new advice and rules for international travel came into effect in Ireland. For more information on the new rules, including information on the EU Digital COVID Certificate (DCC) for travel originating within the EU/EEA, refer to [gov.ie at this link](#).

Employees who intend to travel abroad should ensure that they are aware of any testing and quarantine requirements in place at the time of travel, and pertaining to their own circumstances, both for their intended destination and on return to Ireland. Where a restricted movement period is required as a result of travel, all employees must make provision by way of an annual leave or unpaid leave application for that period of restricted movement, in line with the normal rules applying in the relevant sector. This arrangement is applicable to all civil and public servants, regardless of whether they can work from home.

An emergency brake system may be applied quickly to countries where a variant of concern or interest arises. Employees should be aware that whatever restricted movement (quarantine) requirements are in place and applicable to them on their date of return to Ireland will apply. Employees are required to notify their employer as soon as possible if they have to take additional annual leave or unpaid leave in order to satisfy any restricted movement (quarantine) requirement.

## **4.5 What arrangements are in place for employees to attend a COVID-19 vaccination appointment?**

Where an employee in the public service has an appointment to attend a COVID-19 vaccination during working hours, they will be facilitated to attend based on the health/medical appointment arrangements which apply in each sector.

## **4.6 What arrangements are in place where an employee may have a reaction to a COVID-19 vaccination?**

Where there may be a reaction to a COVID-19 vaccination and the employee is unfit for work, the absence will be recorded as ordinary certified sick leave and the usual rules governing [sick leave](#) will apply.

## **4.7 What is the legal basis for processing employee data in relation to COVID-19?**

Civil and Public Service employers are obliged to provide a safe workplace, which may include the processing of health data in order to ensure that safety. Articles 6(1)(c), 9(2)(b) and (g) of GDPR, along with section 53 of the Data Protection Act, 2018 (which permits the processing of special categories of personal data for purposes of public interest in the area of public health) will likely be the most appropriate legal bases for processing this data.

For further information please visit the [Data Protection Commission website](#).

## **4.8 Do employers have a right to know if an employee has been vaccinated or had COVID-19?**

As noted in the Work Safely Protocol the decision to get a vaccination against COVID-19 is voluntary and workers will therefore make their own individual decisions in this regard. The Data Protection Commission has produced a guidance note on [Processing COVID-19 Vaccination Data in the context of Employment](#). The guidance notes that “[a]s a general position, the DPC considers that, in the absence of clear advice from public health authorities in Ireland that it is necessary for all employers and managers of workplaces to establish vaccination status of employees and workers, the processing of vaccine data is likely to represent unnecessary and excessive data collection for which no clear legal basis exists”. However, the note does provide for specific employment contexts where collection of information may be lawful and each sector may issue its own guidance.

Employers may ask employees for information in relation to their COVID-19 special category data in certain circumstances, for example where an employee who requests to avail of special leave with pay will be required to provide details of the results of their COVID-19 PCR test. At all times the data collection and processing must be necessary, proportionate and safeguarded.

## **4.9 Can public sector employees on unpaid leave (e.g. parental leave etc.) claim the COVID-19 Pandemic Unemployment Payment?**

No. The COVID-19 pandemic unemployment payment was designed as a short-term response for those individuals working in the private sector who became unemployed as a result of the pandemic.

## **4.10 How should employers treat requests for a working from home allowance?**

Public service employers should not pay a daily allowance (e.g. €3.20 per day) to their employees in respect of WFH. It is open to employees to make claims directly from Revenue in respect of actual costs incurred in working from home at the end of the relevant tax year, in accordance with the relevant tax laws. Any claim in this regard is solely a matter for the individual concerned. Further details for individuals on how to claim expenses on tax returns are available at: <https://www.revenue.ie/en/tax-professionals/tadm/income-tax-capital-gains-tax-corporation-tax/part-05/05-02-13.pdf>

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## 5. Temporary assignments

### 5.1 What is the Temporary Assignment Scheme (TAS)?

The TAS was set up on 18th March 2020 to support the health and wellbeing of all our citizens during COVID-19. Organisations' senior leadership teams were asked to determine which services were essential at the time to critical business continuity in the context of their organisational Business Continuity Plan and to identify roles and employees for temporary release to ensure essential public services across all the public sector continued to be delivered.

Our primary focus in the Civil and Public Service is to support the health and wellbeing of all our citizens. To achieve this, and to keep delivering the essential services to society, especially for the most vulnerable and at-risk, we need to be flexible and responsive in how work is managed, including coming together and working as a unified public service.

The scheme received great support from both the civil and public service, and resulted in a large number of employees being made available for placements to support crisis areas. The system proved to be extremely useful by quickly matching assignees with essential roles when required. There were also significant transfers of employees under the temporary assignment policy between departments and sectors in advance of the TAS panel.

### 5.2 Is the TAS currently in operation?

The scheme was reactivated on 17<sup>th</sup> September 2020 following an increase in COVID-19 cases – see Circular 15/2020 at Appendix 3.

This reactivation will safeguard the Government's priority to ensure the health of the public, whilst at the same time ensuring the continuation of public services, especially essential public services.

The Public Appointment Service, who are the administrators of the scheme, may periodically issue detailed requests to organisations seeking employees who are deemed to be releasable in the context of their business continuity plan for the temporary assignment scheme. The scheme will be used to help ensure critical services continue to be delivered during this unprecedented pandemic.

Managers of employees who are assigned through the scheme should maintain regular contact with them.



### **5.3 What organisation will employees be assigned to?**

This is an evolving situation and demands may change. The temporary assignment scheme will be used to ensure essential public services across all the public sector continue to be delivered during the pandemic.

While the initial call is from the Health Service Executive, many other essential public services may require additional short term support.

All Civil and Public Service organisations are included in the scheme and may offer or request temporary assignees.

### **5.4 What employees will be included in the temporary assignments scheme?**

Employees at all grades and work patterns/arrangements across the Public Service will be included in the scheme.

### **5.5 How will employees be informed, and what will they be required to do?**

Employees will be notified through their Local HR who will send on details either to the Public Appointments Service or directly to the organisation requesting temporary assignees. Details will include name, contact details, and the percentage of whole-time equivalent available. Additional information may be required on the basis of the specific demands of the role.

### **5.6 Do all releasable employees have to accept the placement?**

Yes, all employees identified by their organisation as currently releasable, are required to attend the temporary placement in order to support the delivery of essential public services as needs are identified by public service bodies.

A skills and location match may be facilitated through the Public Appointments Service or between organisations as required.

### **5.7 What roles will employees be temporarily assigned to?**

Employees may be temporarily assigned to work in a different role and organisation in order to support the delivery of essential public services. The Public

Appointments Service/Department of Public Expenditure and Reform/requesting organisation will advise of role details upon issuing the request for staff.

## **5.8 What location will employees be temporarily assigned to?**

The actual location will be determined by the particular needs and circumstances of the requesting organisation.

## **5.9 Is there a potential to work remotely while on temporary assignment?**

The requirements of the role will determine if they can be carried out remotely. All details of the assignment will be provided by the Public Appointments Service/Department of Public Expenditure and Reform/requesting organisation when issuing the request for staff.

## **5.10 When will employees be expected to start their assignment?**

All employees identified by their organisation as currently releasable, will receive details from the receiving organisation e.g. HSE, regarding their start date, role, location and hours of service.

## **5.11 How long will the assignment be for?**

It is envisaged that the temporary assignments may be for a period of up to six months, with a possible extension where required. The situation will be reviewed in line with COVID-19 contingency measures. Local HR and employees will be notified of any developments.

## **5.12 What HR system will leave and performance be recorded on while on assignment under the Temporary Assignment scheme?**

Assigned employees will transfer temporarily to a different employer to carry out essential duties and direct management and supervision will be provided by a temporary line manager.

They will however remain ‘as is’ for all functions on the HRMS/equivalent system. The temporary line manager will be required to keep all HR records for forwarding to the parent organisation upon completion of assignment.

### **5.13 Can employees on TA return to meet business needs in parent organisation if required?**

Where more urgent business needs arise, employees may be required to return to their parent organisation.

### **5.14 Will employees transfer to a different employer for pay purposes for the temporary assignment?**

Assigned employees will remain as employees of and be paid by their parent organisation. They will continue to receive their basic salary, any fixed, periodic, pensionable allowances in the nature of pay and other pensionable remuneration that they are in receipt of at the date of assignment. The payment of any allowance to an employee which is due to cease before the end of the temporary assignment period will terminate as previously scheduled.

### **5.15 Is Travel and Subsistence (T&S) payable to employees on temporary assignment?**

Employees who are temporarily assigned should be treated as being headquartered at the new location. In this regard, normal Public Service and Revenue rules on non-payment of T&S for home to work travel apply.

### **5.16 Can employees claim overtime while on temporary assignment?**

As a rule, overtime is not expected to arise for employees on temporary assignment and public servants re-assigned under these arrangements will continue to adhere to their already contracted weekly working hours.

However, should this arise, overtime may be paid in the temporary assignment post only where it has been identified as being necessary in that role; has been approved at the appropriate managerial level, and agreed by HR in the employer organisation or paying authority; and is in accordance with the agreed procedures applying to that sector/organisation. Where an employee is already in receipt of an allowance for extra hours, and where this allowance is being retained, overtime will not also be payable in the temporary assignment.

## **5.17 Where can queries be raised in relation to remuneration while on temporary assignment?**

**For individuals:** Queries arising in relation to remuneration while on temporary assignment should be raised in the first instance with the employee's own local HR Unit.

**For HR units:** These rules are for general application. Where there are particular sectoral arrangements which give rise to questions, these should be directed to the Public Service Pay and Pensions Division of the Department of Public Expenditure and Reform for consideration.

## **5.18 Will a temporary assignment affect eligibility on the Civil Service Mobility scheme?**

No, the temporary assignment will not affect the eligibility or waitlist position on the Civil Service Mobility scheme.

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## Appendix 1: Procedure for employees and managers for absences due to COVID-19

### 1 (a) Procedure for employees

1. Telephone your manager<sup>6</sup> before 10am on the first day of isolation to as would normally be the case for sick leave. You will be required to notify your manager of number of days you have been required to self-isolate. You will be required to complete a self-declaration and/or provide confirmation/medical certification/satisfactory evidence of a positive PCR test for COVID-19.
2. Please note that Public Service employees cannot claim DSP COVID-19 illness benefit in cases where they are receiving special leave with pay. Any claim for DSP COVID-19 illness benefit whilst on special leave with pay will be treated as a disciplinary matter.
3. Your manager will record you absence as special leave with pay on the commencement date.
4. By applying for special leave with pay, you agree that in the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide<sup>7</sup> confirmation of self-isolation for COVID-19) existing procedures, including disciplinary measures may be invoked.

### 1 (b) Procedure for managers

1. Employees who are advised to self-isolate with symptoms of COVID-19 must inform their manager as per sick leave requirements.
2. Managers should record the absence as special leave with pay and ask the employee to provide dates and confirmation/medical certification/satisfactory proof of COVID-19 PCR test, including date of test. The arrangements for the recording of this will vary based on each organisation's payroll/HR facilities.
3. Managers should record if the employee was/was not in the work premises (outside the home) in the 14 calendar days prior to the date of self-isolation. This will be required if the employee has a confirmed case of COVID-19 and the duration of COVID-19 related illness continues on beyond 28 days.

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<sup>6</sup> If your manager is not available, please contact another manager in your area or your HR team. In rare situations where that is not possible, make a note of the date and times of call made and continue to try to contact your managers until contact is made.

<sup>7</sup> Bona fide in relation to a representation or communication means in good faith and well founded in fact. The employer reserves the right to request further confirmation.

Employees who were not in the work premises will move to ordinary sick leave thereafter.

4. Managers should make employees aware of the need to stay in regular contact and advise them of any employee assistance programme available to them.
5. Managers should alert the employee to any follow up actions that are required, including occupational health referrals, the need to provide documentation and actions on their return to work (for example return to work protocols etc.).

## Appendix 2: Sample special leave with pay self-declaration for COVID-19

### Employee Details

Name	
Grade	
Department	

### Dates of Special Leave with Pay for COVID-19 related self-isolation

Dates	From DD/MM/YYYY to DD/MM/YYYY
-------	-------------------------------

### Advised to self-isolate by (✓)

GP	<input type="checkbox"/>	HSE	<input type="checkbox"/>
Hospital	<input type="checkbox"/>	Other (please specify) _____	<input type="checkbox"/>

### Advice received via (✓)

Telephone	<input type="checkbox"/>	Letter/email/text (please attach copy to this form)	<input type="checkbox"/>
In person	<input type="checkbox"/>	Other (please specify) _____	<input type="checkbox"/>

### Details of Advice to Self-Isolate

Name of adviser (e.g. name of GP, HSE worker)	
Date and time advice given	
Details provided to the adviser by you (e.g. places and dates of exposure etc.)	

### Declaration for Special Leave Pay

I confirm I have read and understand the provisions of Special Leave with Pay as set out in Part IX of <a href="#">Circular 02/1976</a>	Yes	<input type="checkbox"/>
I understand that in the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide <sup>8</sup> confirmation of self-isolation/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.	Yes	<input type="checkbox"/>
I understand that any overpayment of salary which may arise from non-compliance with the provisions of special leave with pay will be repaid.	Yes	<input type="checkbox"/>
I have attached relevant documentation (where applicable)	Yes	<input type="checkbox"/>
Employee signature		
Date		

### Manager Approval

Manager signature	
Date	

#### Data Protection

*The data requested in this form will be used to process your application for Special Leave with Pay (COVID-19 related) and will be retained as part of your personnel record for the appropriate period of time. The employer will treat all information and personal data you give according to the law.*

<sup>8</sup> Bona fide in relation to a representation or communication means in good faith and well founded in fact. The employer reserves the right to request further confirmation.



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## Appendix 3: Circular 15/2020

### Reactivation of Temporary Assignment Policy and Scheme across the Civil and Public Service

17<sup>th</sup> September 2020

#### Circular 15/2020

Dear HR Managers,

Further to *Circular 07/2020 – Arrangements for temporary assignments across the civil and public service in response to the challenge of COVID-19*, and *Circular 11/2020 - Deactivation of Temporary Assignment Scheme across the Civil and Public Service* **the Temporary Assignment Policy and Scheme are now being reactivated following the recent nationwide increase in COVID 19 cases.**

While the current staffing demand from the HSE is for 50 whole time equivalent employees (full/part time) to support the work within the Contact Tracing Centres, this circular will also cover any future demands in relation to COVID from the civil and public service.

The Public Appointments Service, who are the administrators of the scheme, will issue detailed requests to Local HR Units as and when required to support any crisis areas.

We would once again like to extend our appreciation to all of you for your continued assistance and support throughout this unprecedented time. The scheme has resulted in a large number of employees being made available to support crisis areas.

#### Key Principles

All assignments will be temporary in nature and:

- Assigned staff will continue to remain staff members of their parent organisation;
- Assigned staff will continue to be paid by their parent organisation;
- Staff skills and experience may be factored into any temporary assignment;
- Local HR will be responsible for the identification and release of staff;
- Appropriate HSE recommended physical/social distancing will be adhered to in the context of workplace assignments;
- Training and up-skilling will be provided as necessary; and

- On completion of the temporary assignment, staff will return to their parent organisation.

Please see [Guidance and FAQs on working arrangements and leave associated with COVID-19 for Civil and Public Service](#) which will updated as required.

If you have any further queries relating to the Temporary Assignment Scheme, these can be sent to [Temporaryassignment@publicjobs.ie](mailto:Temporaryassignment@publicjobs.ie).

Yours sincerely,

**Civil Service HR Division and Public Appointments Service**



## UPDATED Appendix 4: Quick guide on working arrangements

### COVID-19 work arrangements – Quick Guide for Public Service Employers

Please note the scenarios are based on current public health advice available on 16 November 2021, and have been produced as a guide only. Employers should ensure that they base decisions on current public health advice. In relation to Home Working and Return to the Work premises, different advice may apply in the health sector. Please see hse.ie for further advice.

#	Scenario	Employee	Special leave with pay	Sick leave	Home working / remain available for working at home <sup>9</sup>	Return to work premises <sup>10</sup>
1	<b>COVID-19 symptoms</b> – employee is awaiting a COVID-19 PCR test	Self-isolate until outcome known	Yes - until outcome known, then assess and follow subsequent advice (see below scenarios)	No	No	Cannot be determined until outcome known (see other scenarios)
2a	<b>COVID-19 symptoms</b> – employee received positive PCR test result and is unwell. <b>Employee was not in the work premises</b> in the 14 calendar days prior to onset of symptoms	Self-isolate until 10 days from onset of symptoms and last 5 days fever free	Yes - until 10 days from onset of symptoms and last 5 days fever free	Yes – after day 28. This takes effect for any new or open cases on 1 January 2021	No	After 10 days from onset of symptoms and 5 days fever free, which may run concurrently.

<sup>9</sup> See FAQ 3.2 in the Guidance document on [gov.ie at this link](https://www.gov.ie/en/publications-and-resources/documents/2021-11-16-guidance-document-on-covid-19-work-arrangements/) for further details on “remain available for work”. Note that at any stage if an employee states that they feel well enough to work, but have tested positive for COVID-19 or are self-isolating because they were symptomatic, the employer may facilitate working from home instead of special leave with pay, if this is feasible and agreeable to both parties. They must not attend the work premises and must also follow Medical and HSE advice as it relates to self-isolation.

<sup>10</sup> Refers to any work location outside the home

#	Scenario	Employee	Special leave with pay	Sick leave	Home working / remain available for working at home <sup>9</sup>	Return to work premises <sup>10</sup>
2b	<b>COVID-19 symptoms</b> – employee received positive PCR test result and is unwell. <b>Employee was confirmed by their manager to be in the work premises</b> in any of the 14 calendar days prior to onset of symptoms <sup>11</sup>	Self-isolate until 10 days from onset of symptoms and last 5 days fever free	Yes - until 10 days from onset of symptoms and last 5 days fever free	No	No	After 10 days from onset of symptoms and 5 days fever free (which may run concurrently)
3	<b>COVID-19 symptoms</b> – employee received negative PCR test result, but has been advised to attend for a second test	Continue to self-isolate until 2nd test results known	Yes - review after 2nd test results known	No – review after 2 <sup>nd</sup> test result known	No	Cannot be determined until outcome known (see other scenarios)

<sup>11</sup> Special leave with pay may be extended beyond 28 days for certified COVID-19 related illness in circumstances where a manager determines that all 4 criteria below are met:

- An employee had been in the work premises (any work premises outside the home) at any time during the 14 calendar days prior to commencing the self-isolation period of a positive case of COVID-19. The attendance must have been known to and/or approved by the manager in advance.
- The employee provides their employer with medical evidence of a positive COVID-19 PCR test including the date of this test.
- In accordance with the standard management referral process, the Occupational Health Physician (OHP) confirms that they are medically unfit to resume work.
- The OHP confirms that their absence relates primarily to ongoing COVID-19 illness, and that they are accessing appropriate medical care

#	Scenario	Employee	Special leave with pay	Sick leave	Home working / remain available for working at home <sup>9</sup>	Return to work premises <sup>10</sup>
4	<b>COVID-19 symptoms</b> – employee required to self-isolate and subsequent negative PCR test result	Continue to self-isolate until 48 hours after symptoms have resolved	Yes - up until date of negative test	Yes - after date of negative test if employee continues to be unwell	Where the employee is well, symptoms have resolved and awaiting the end of the 48-hour period - they can work from home/remain available for work for that period.	48 hours after symptom free
5	<b>Employee is concerned</b> they have COVID-19 symptoms and they are <b>not well enough to work</b> , but GP advises that they <b>do not meet the criteria for COVID testing</b>	GP may advise to restrict movements until 48 hours after symptoms have resolved.	No	Yes - where the person has been advised that they do not meet the criteria for testing for COVID.	No	On advice of GP
6	<b>Household close contact - Member of employee's household has tested positive for COVID-19</b> - the employee has no symptoms of COVID-19.	<p>Employees who are fully vaccinated, have not had a positive PCR test in the last 9 months and have no symptoms need to follow HSE advice (<a href="#">link</a>) which is as follows:</p> <ul style="list-style-type: none"> <li>• restrict movements for 5 days</li> <li>• do 3 antigen tests</li> </ul> <p>If any of these antigen test prove positive HSE advice (<a href="#">link</a>) should be followed.</p> <p>Different arrangements apply for individuals who</p>	No	No	Yes	Cannot attend for 5 days whilst restricting movements.

#	Scenario	Employee	Special leave with pay	Sick leave	Home working / remain available for working at home <sup>9</sup>	Return to work premises <sup>10</sup>
		have not been fully vaccinated. Refer to HSE website for full details.				
7	<b>Close contact</b> – Employee has <b>been vaccinated or had COVID-19</b> and has no symptoms	No restriction of movement required, <b>providing they meet the criteria set out on the <a href="#">HSE website</a></b>  Different arrangements apply for individuals who have not been fully vaccinated. Refer to HSE website for full details.	No	No	No	Can attend if criteria met. Refer to HSE website for full details.
8	Employee has expressed <b>concern</b> to their employer that they <b>may be</b> a close or casual contact <sup>12</sup>	The employee does not need to restrict their movements unless they are advised by contact tracers that they are a close contact of a confirmed case. In instances where they are a casual contact they should continue as normal and be aware of COVID-19 symptoms.	No	No	No	N/A – can attend. If subsequently advised they are close contact of a confirmed case then follow scenario 8.
9	<b>Member of employee’s household has respiratory symptoms</b> but the GP advises they are not sent for a test –	If household member is not being tested then the employee should continue their activities as normal	No	No	No	N/A – can attend

<sup>12</sup> <https://www2.hse.ie/conditions/coronavirus/close-contact-and-casual-contact.html>

#	Scenario	Employee	Special leave with pay	Sick leave	Home working / remain available for working at home <sup>9</sup>	Return to work premises <sup>10</sup>
	<b>the employee</b> has no symptoms of COVID-19.					
10	<b>Member of employee's household</b> is a close contact of a confirmed case and the <b>close contact feels well</b>	If the household member feels well, then other members of the household do not need to restrict their movements.	No	No	No	N/A – can attend
11	Employee is in <b>very high risk</b> (extremely vulnerable) <sup>13</sup> category	Please refer to FAQ 2.2 <sup>14</sup>	No	No	Where advised by occupational health	See FAQ 2.2 for further details.
12	Employee is in <b>high risk</b> <sup>15</sup> category	Employee can attend workplace.	No	No	No	N/A – can attend
13	Advised to self-isolate <b>pre-surgery</b> .	Restrict movements	No	Yes – during/following surgery	Yes for self-isolation period pre-surgery. Person needs to be available for work (see <a href="#">FAQ 3.2 in the Guidance</a> ) for period pre-surgery.	When sick leave finishes post-surgery.

<sup>13</sup> <https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html#very-high-risk>

<sup>14</sup> Some conditions that previously placed employees in the very high risk category now place them in the high risk category or in some instance in the normal risk category. In addition an employee's risk categorisation may now have changed due to vaccination and / or history of recent confirmed COVID infection. Consult Occupational Health.

<sup>15</sup> <https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html#high-risk>

#	Scenario	Employee	Special leave with pay	Sick leave	Home working / remain available for working at home <sup>9</sup>	Return to work premises <sup>10</sup>
14a	<b>Overseas travel where a quarantine period is required</b>	Restrict movements (quarantine) for 14 days <sup>16</sup> - the employee must take annual/other leave for the restricted movement period	No	No	No - Annual/other unpaid leave must be taken for restricted movement period. See <a href="#">FAQ 4.4 in the Guidance</a>	After 14 days (or earlier if negative PCR test result – see FAQ 4.4 and gov.ie for details)
14b	<b>Overseas travel where no quarantine is required</b>	Can return to work	No	No	Not required	Yes
15	<b>Possible reaction to COVID-19 vaccination</b>	If an employee is unfit for work, then usual sick leave rules apply	No	Yes	N/A	As per provisions of sick leave, if required

<sup>16</sup> On arrival from certain countries, if a further test is taken at day 5 and the employee receives a negative test result they can stop restricting their movements. This does not apply to arrivals from Category 2 Countries and Territories. See <https://www.gov.ie/en/campaigns/75d92-covid-19-travel-advice/> for further details.





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