

## CHAPTER FOUR – CAREER BREAK SCHEME

(Should be read in conjunction with the [Introduction](#), [General Provisions for All Schemes](#), and [Definitions](#))

### 1 Career Break Scheme

1.1 The main objectives of this scheme below, which are not exhaustive, is for employers, wherever possible to facilitate applicants in the areas of:

- Personal Development
- Voluntary Service Overseas
- Accompany spouse/partner on Diplomatic/Military Posting
- Education
- Public Representation
- Childcare/Dependent care
- Self-employment

### 2 Duration of Career Break

2.1 A teacher may engage in this scheme subject to an overall maximum absence of 10 years in the course of his/her professional career.

2.2 A career break shall be a period of not less than 1 school year and may be extended on an annual basis provided the total period of the career break does not exceed 5 years at any one time.

2.3 A subsequent career break may not be taken until the teacher has served for a period equal to the duration of the previous career break. In the case of a teacher wishing to avail of a career break to undertake voluntary service abroad /missionary/diplomatic/military/Oireachtas/or study leave this requirement will be waived.

2.4 A career break shall commence on the start of a school year and a return to duty in the school/ETB which granted the career break shall not be permitted other than on the start of a succeeding school year. In exceptional circumstances, an employer may authorise a teacher to commence a career break during the course of a school year and terminate not earlier than the end of that school year. This is deemed to be a one year career break.

2.5 The duration of a career break may not extend beyond

- a) the date of termination of a fixed term contract where the applicant is employed under such a contract or
- b) the date of compulsory retirement age

### **3 Eligibility**

3.1 A teacher may apply for a career break where s/he:

- a) is registered with the Teaching Council and
- b) will have satisfactorily completed, at the end of the school year in which they are applying, 12 months of continuous service with the current employer.

### **4 Operation of the Scheme**

4.1 A teacher seeking a career break must submit a written application to the employer not later than the 1<sup>st</sup> February of each school year prior to that in which s/he proposes to commence/continue the career break. The application must provide clear details of the exact purpose of the career break. A late application may be considered by the employer in exceptional circumstances.

4.2 A teacher who wishes to extend his/her career break must apply for this extension on an annual basis.

4.3 Each application for or extension of a career break shall be considered on its own merits by the employer within the context of the school's policy statement. The decision of the employer shall be final.

4.4 The employer shall issue a written notice of approval or refusal to the teacher by 1<sup>st</sup> March at the latest and submit notice of the career break absence to the Department (via the OLCS)/relevant ETB system on or before 1<sup>st</sup> April. The employer must also list the names of all teachers availing of a career break on the annual change of staff form with the exception of non ETB Schools.

4.5 Where an application for a career break is refused the employer must inform the applicant in writing setting out the grounds for such a refusal.

4.6 Taking account of the extent of arrangements to be put in place by the employer to cater for the career break, the applicant shall not be permitted to withdraw his/her application after the 14<sup>th</sup> April. In exceptional circumstances the employer in its sole discretion may consider a later withdrawal of a career break application.

## **5 Teaching whilst on Career Break**

5.1 A teacher on a career break is precluded from taking up an appointment in any capacity in any school within the State. Schools must give priority to qualified teachers when making appointments for periods of substitution. In exceptional circumstances a teacher on a career break may be employed on the following basis:

- in Post Primary – for a maximum of 150 hours in a school year
- in Primary – for a maximum of 40 days in a school year

## **6 Appointment of a Replacement Teacher**

6.1 Where a replacement teacher is to be employed, the position must be filled in accordance with current rules for teacher recruitment. He/she shall be offered a specified purpose (fixed term) contract. Such a contract must include a condition that the contract will terminate on the teacher on career break resigning, retiring or returning to full time employment or the following 31<sup>st</sup> August whichever happens first.

## **7 Posts of Responsibility**

7.1 A teacher on career break will retain eligibility to apply for a Post of Responsibility which occurs in the school and s/he shall be notified of any vacancies by the employer.

## **8 Resumption of Duty following a Career Break**

8.1 A teacher must notify the employer by the 1<sup>st</sup> February of his/her intention to return to teaching from a career break at the beginning of the next school year. Failure to do so may result in the return being deferred for a further school year (e.g. in the event that the late notification resulted in contractual difficulties for the employer).

8.2 It is the responsibility of the teacher returning from a career break to ensure that s/he is registered with the Teaching Council on the intended date of resumption.

8.3 A teacher returning from a career break in excess of two school years shall be screened by the Occupational Health Service (OHS). It is a pre-requisite for the restoration of salary that the teacher is deemed medically fit for teaching duties by the OHS before s/he is permitted to resume his/her teaching post.

- 8.4 A teacher returning from career break must comply with the vetting regulations in operation at the time of return.
- 8.5 The terms and conditions of teachers in general including the terms of any redeployment scheme existing at the time of return shall apply to a teacher resuming duty after a career break.

## **9 Resignation while on Career Break**

- 9.1 A teacher on a career break who wishes to resign from his/her teaching post must notify the employer in writing in accordance with the teacher's terms of employment. If a teacher resigns from the career break during the course of the school year, that year will be deemed to be a full school year for the purposes of Section 4 should the teacher re-enter teaching service at a later date.
- 9.2 In the event that a teacher fails to resume duty at the end of an approved period of career break, the employer/school in the case of ETB, shall immediately notify the Department/ETB so that incremental salary will not issue. The employer shall also take timely action to establish the position and may if appropriate initiate agreed disciplinary procedures.

## **10 Social Welfare Entitlements**

- 10.1 The teacher on a career break remains an employee of the employer for the duration of the absence and the absence does not constitute a break in service for PRSI purposes.
- 10.2 Teachers seeking to maintain their Social Welfare entitlements during a career break should, therefore, contact the Department of Social Protection for advice prior to taking a career break.

## **11 Pension**

- 11.1 A period of unpaid leave of absence does not reckon for pension purposes. However, pension contributions at full actuarial cost in accordance with the relevant pension scheme may be paid, either during the career break (by making arrangements with the Pension Section of the Department/ETB prior to the commencement of the career break) or following a return to teaching. Further information on the purchase of notional service for a career break is available from the Pensions Section of the Department/ETB.



- 11.2 Where a pension scheme member is granted approved unpaid leave of absence to work as a Volunteer Development Worker (VDW), in a developing country, under the auspices of APSO/Comhlamh, it is open to that agency to pay the full actuarial cost to the public service pension provider subject to conditions in place from time to time. Further information is available from the Pensions Section of the Department/ETB.

## **12 Voluntary Deductions at Source**

- 12.1 Voluntary deductions from salary cease when a teacher goes on career break. While a teacher is on career break, details of the voluntary deductions will remain on his/her payroll record and therefore, any deductions in place prior to the teacher's career break will recommence on his/her return to the payroll unless it has been end dated at the request of the teacher involved via the deduction agency. This Department/ETB will not make any deduction in respect of any accumulated unpaid amounts for the period of the career break.
- 12.2 It is the sole responsibility of a teacher availing of a career break to ensure that medical insurance policies, income continuance insurance, union subscriptions, credit union payments do not lapse. No liability rests with this Department/ETB for policies of any nature which lapse. Further details in relation to voluntary deductions can be found on the Department's website under [Education Staff – Services - Payroll / Financial - Voluntary Deductions - Conditions of operation of a Deduction At Source \(DAS\) facility for Voluntary Deductions](#)
- 12.3 Any outstanding balances owed by a teacher participating in the Cycle to Work or the Travel Pass Scheme must be cleared before commencing a career break.

## **13 Public Holiday Entitlements - Organisation of Working Time Act, 1997**

- 13.1 A teacher on career break retains an entitlement to salary payment for Public Holidays solely in respect of those occurring in the initial 13 weeks of the absence. As a career break must commence on 1<sup>st</sup> September, a salary payment is due in respect of the October Public Holiday in the first year only.
- 13.2 In the unusual event of a career break following immediately on another absence, the absence will be deemed to be one continuous absence and no entitlement additional to that gained by virtue of the initial absence will accrue to the teacher in the first 13 weeks of the career break.

- 13.3 Where there is a leave in lieu entitlement at the start of a school year that leave shall be exhausted prior to commencement of career break however the leave in lieu together with the career break will count as one year for the purpose of the career break scheme.