



Primary Circular 0076/2008

DEPARTMENT OF EDUCATION AND SCIENCE PRIMARY SCHOOLS DIVISION
TO BOARDS OF MANAGEMENT AND PRINCIPALS OF PRIMARY SCHOOLS

Holiday Pay for Fixed Term (Temporary) Teachers

Under the terms of the Terms of Employment Information Act, 1994 & 2001 a Board of Management must provide his/her employee with a written statement of the particulars of the employee's terms of employment. In this context your attention is drawn to the arrangements in respect of holiday pay for fixed term (temporary) teachers which are set out overleaf.

Fixed term (temporary) teachers are employed to cover the absence of a teacher on career break, secondment, carer's leave, to replace job-sharers, pending the appointment of a permanent teacher and for posts sanctioned on a fixed term (temporary) basis.

Please note that the Department will not pay salary for the summer period (July/August) unless the teacher has an entitlement to such payment. Consequently, any payment arising for a teacher due to incorrectly issued contracts will be the responsibility of the Board of Management.

This notice should be brought to the attention of any teacher employed in a fixed term (temporary) capacity in your school when entering into a contract of employment with the teacher. In particular you should note whether the teacher is eligible for pay during the summer holiday period. If the teacher is not eligible for summer pay s/he should be notified of this fact. In order to avoid an assumption of payment of salary to the end of the school year a contract should not have an end date of 31 August unless this date applies for payment purposes.

Boards of Management are reminded of the requirement to recruit suitably qualified persons for any vacancy in a school regardless of the duration of the vacancy. In exceptional circumstances where the employer can demonstrate that every reasonable effort has been made to recruit a qualified teacher, an unqualified person may be recruited pending the recruitment of a qualified teacher. This provision must be inserted in the terms of appointment issued to the unqualified person.

Holiday pay entitlements for unqualified persons are set out in Department Circular [29/02](#) which is available on the Department website, www.education.gov.ie under Education Personnel/Primary/Salary. The terms of Circular [29/02](#) should be brought to your employee's attention at the time of issue of terms of appointment/contract.

Hubert Loftus
Primary Payments
August 2008

A Fixed Term (Temporary) Teachers Entitlement to Holiday Pay

A qualified fixed term (temporary) teachers are paid salary for the entire period of their employment, including vacation periods or other school closures that fall during the period of employment. For example, where Easter occurs during the month of April, a fixed term (temporary) teacher employed from 1 April to 31 May will get paid for the Easter vacation.

A qualified fixed term (temporary) teacher, who is employed for the full school year, i.e. 1 Sept to 30 June (or from the first working day of October to 30 June), will be paid for the July and August vacation. E.G. A fixed term teacher employed for the full school year, to replace a teacher absent on career break is deemed to be in employment for one full school year and will be paid for the months of July and August.

A qualified fixed term (temporary) teacher taking up employment after the first working day in October and continuing in a fixed term capacity until 30 June will not get paid for the summer vacation unless s/he secures a further fixed term (temporary) teaching post or a permanent post from the first working day of the following school year (normally 1 September). The retrospective holiday pay entitlement will then be calculated as follows:

- If the qualified teacher took up the fixed term (temporary) post after the first working day in October but **prior to 1 April** and continues in employment as a fixed term (temporary) teacher until 30 June then to receive retrospective holiday pay for the summer period (which would not be payable until the new school year), the teacher must have secured a contract for the entire new school year or a contract that will not expire any earlier than one year after the start date of the original fixed term contract.
- If the qualified teacher took up a fixed term (temporary) post **after 1 April** and continues in employment as a fixed term (temporary) teacher until 30 June then retrospective payment of holiday pay for the summer period will be made one year on from the start date of the initial contract provided the teacher has served in either a fixed term (temporary) post or permanent post for the entire 12 months period.