

## **Sick Leave for Teaching Staff in Aided Schools**

### **Common Questions and Answers**

**Q1: How do regular teachers accumulate paid sick leave?**

A1: Regular teachers are entitled to 28 days of paid sick leave in their first year of service in an aided school. On completion of each succeeding year of service, a further 48 days of paid sick leave in total would be granted. Paid sick leave can be accumulated up to a maximum of 168 days. The calculation of sick leave entitlement for full-time or part-time monthly-paid regular teachers or temporary teachers is the same. However, a teacher with a break of service of more than one year will forfeit his/her sick leave balance.

**Q2: If the sick leave balance of Teacher A, B and C is 120, 128 and 168 days respectively at the end of the school year, when the new school year begins, should the school credit the annual paid sick leave entitlement of 48 days to their sick leave balance?**

A2: For the case of Teacher A, since the sick leave balance at the end of the preceding school year does not exceed 120 days, the school may proceed with the annual update of the teacher's sick leave balance at the beginning of the new school year by crediting the annual paid sick leave entitlement to the balance. Schools may refer to the Worked Example 1 in the attachment of Education Bureau (EDB) Circular No. 1/2006.

For the case of Teacher B, since the sick leave balance at the end of the preceding school year exceeds 120 days, the school needs to update the teacher's sick leave balance on a monthly basis by crediting the monthly paid sick leave entitlement of 4 days for each month of completed service to the balance. Schools may refer to the Worked Example 2 in the attachment of EDB Circular No. 1/2006.

For the case of Teacher C, since the sick leave balance has reached the maximum of 168 days at the end of the preceding school year, the school needs to update the teacher's sick leave balance on a monthly basis by crediting the monthly paid sick leave entitlement of 4 days for each month of completed service to the balance. Schools may refer to the Worked Example 2 in the attachment of EDB Circular No. 1/2006.

Schools should ensure that the responsible officers fully understand the underlying principles for the calculation of sick leave, accurately calculate the sick leave balance of the staff, and properly maintain records concerned.

**Q3: What documents should be verified by schools for processing the sick leave of regular teachers?**

A3: For regular teachers, application for sick leave exceeding two days must be supported by a valid medical certificate. A valid medical certificate refers to the one issued by a registered medical practitioner, a registered Chinese medicine practitioner or a registered dentist. The duration for sick leave period to be taken by teachers should tally with the recommendation on the medical certificate issued. Schools should deduct the exact number of days of sick leave from the sick leave balance according to the recommendation on the medical certificate.

**Q4: When a statutory holiday falls within the sick leave period of regular teachers, how will the days of sick leave taken be calculated?**

A4: When the paid sick leave period of regular teachers coincides with any statutory holiday, the sickness day(s) that overlap with the statutory holiday should not be counted against the paid sick leave entitlement of the teachers.

However, when the no-pay sick leave period of regular teachers coincides with any statutory holiday, the sickness day(s) that overlap with the statutory holiday should be counted in the no-pay sick leave period and the salary payable to the teachers for that statutory holiday is to be paid by the school. Starting from the 2012/13 school year, schools may use the surplus of the Operating Expenses Block Grant/Expanded Operating Expenses Block Grant for the payment of statutory holidays arising from the no-pay sick leave for the staff remunerated under Salaries Grant.

**Q5: If regular teachers in aided schools leave their jobs before the end of a school year, how should the school calculate their paid sick leave balance?**

A5: When regular teachers in aided schools leave their jobs before the end of a school year, schools should calculate on a pro-rata basis the paid sick leave entitlement of the teachers during their employment if the paid sick leave is granted in advance. Any decimal places should be rounded to the nearest 0.5 or integer. For illustration, please refer to the following examples:

Example 1: A regular teacher in his/her first year of service

- (a) The teacher was appointed as an aided school teacher on 1 September 2017 and left the job on 1 April 2018.
- (b) He/She was entitled to 28 days of paid sick leave in his/her first year of service.
- (c) Assuming that the teacher has not taken any sick leave during his/her employment with the school, his/her paid sick leave balance as at the last day of employment in the school should be:

$$28 \text{ days} \times \frac{212}{365} = 16.5 \text{ days}$$

Example 2: A regular teacher with accumulated sick leave balance

- (a) The teacher was appointed as an aided school teacher on 1 September 2015 and left the job on 1 April 2018.
- (b) He/She was entitled to 28 days of paid sick leave in the 2015/16 school year (first year of service). At the beginning of the 2016/17 and 2017/18 school years, the school credited the annual entitlement of 48 days of paid sick leave to his/her sick leave balance in advance.
- (c) Assuming that the teacher has not taken any sick leave during his/her employment with the school, his/her paid sick leave balance as at the last day of employment in the school should be:

$$28 \text{ days} + 48 \text{ days} + (48 \text{ days} \times \frac{212}{365}) = 104 \text{ days}$$

**Q6: Could regular teachers on no-pay sick leave accumulate their entitlement of paid sick leave?**

A6: Regular teachers on no-pay sick leave could still accumulate their paid sick leave entitlement but the paid sick leave so accumulated can only be taken after the end of the no-pay sick leave period.

**Q7:** If the last day of a regular teacher's no-pay sick leave period is followed by a Saturday with the immediately succeeding Monday being a normal school day, how will days of no-pay sick leave taken be calculated?

A7: If the nature of the no-pay leave taken by the regular teacher is no-pay maternity, sick or special tuberculosis leave, the payment of his/her salary will be resumed on the day immediately following the last day of the no-pay leave period.

[Other information: If the nature of the no-pay leave taken by the regular teacher is not no-pay maternity, sick or special tuberculosis leave and that the leave period is followed by a Saturday, the teacher concerned is required to report to the school for duty on that Saturday to resume the payment of salary. Otherwise, that Saturday and the Sunday that follows will be regarded as an extension of the no-pay leave period.]

**Q8:** If a serving teacher has taken up a new employment as a regular teacher in Aided School B, will his/her accumulated sick leave balance remain valid and usable after the transfer of school?

A8: For a teacher who has been serving in Aided School A as a regular teacher before taking up a new employment as a regular teacher in Aided School B:

Employment term before transfer		Break of service for more than one year (Yes/No)	Change of school <sup>1</sup> (Yes/No)	Whether the accumulated sick leave balance will remain valid and usable after transfer (Yes/No)
(a)	Regular teacher in Aided School A	No	Yes	Yes
(b)	Regular teacher in Aided School A	Yes	Yes	No

For a teacher who has been employed as a contract teacher (non-regular) in an aided school or served in a school of other types before taking up a new employment as a regular teacher in Aided School B:

Employment term before transfer		Change of school <sup>1</sup> (Yes/No)	Whether the accumulated sick leave balance will remain valid and usable after transfer (Yes/No)
(c)	Contract teacher in Aided School B	No (employed continuously by the same employer)	Yes <sup>2</sup>
(d)	Contract teacher in Aided School A	Yes	No

Employment term before transfer	Change of school <sup>1</sup> (Yes/No)	Whether the accumulated sick leave balance will remain valid and usable after transfer (Yes/No)
(e) Teacher in caput school/ government school/ Direct Subsidy Scheme school/ private school	Yes	No

<sup>1</sup> It refers to the transfer to another aided school for taking up employment as a regular teacher.

<sup>2</sup> Since it is with the same school (hence the same employer) that the teacher concerned seeks continuous employment as a regular teacher, the paid sick leave accumulated in accordance with the Employment Ordinance during his/her service as a contract teacher in the same school will remain valid and usable. However, if the paid sick leave balance involves the sick leave entitlement accumulated under the Employment Ordinance, the paid sick leave days that the teacher can accumulate will be capped at 120 days. Only when the teacher's paid sick leave days accumulated under the Code of Aid exceeds 120 days can the paid sick leave balance be accumulated to a maximum of 168 days as stipulated therein.

**Education Bureau**

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