



## Terms and Conditions of Employment

# Table of Contents:

<b>INTRODUCTION</b>	<b>5</b>
<b>SECTION 1 - LEAVE</b>	<b>7</b>
<b>ANNUAL LEAVE</b>	<b>8</b>
Accrual of Annual Leave	8
Accrual of Annual Leave for Part-Time/Sessional Staff	9
Holiday Pay	9
Calculating Holiday Premium Pay	10
Deferring Annual Leave	10
Illness during Annual Leave	10
Annual Leave Records	10
<b>PUBLIC HOLIDAYS</b>	<b>11</b>
Qualifying Conditions	11
Payment and Compensation for Public Holidays	11
Employee Absent from Work Prior to a Public Holiday	12
Termination of Employment	12
<b>SICK LEAVE BENEFIT</b>	<b>13</b>
Officers Sick Pay Scheme	13
Wholtime Temporary Staff	13
Non-Officers Sick Pay Scheme	13
Part-time Staff –Recording of Absences	14
Part-time Staff – Payment for Sick Leave	14
Non-Consultant Hospital Doctors	14
<b>SERIOUS PHYSICAL ASSAULT SCHEME</b>	<b>15</b>
Special Extensions for Nurses	15
<b>MATERNITY LEAVE</b>	<b>16</b>
Introduction	16
Maternity Leave	16
Additional Maternity Leave	16
Maternity Leave – Notification Requirements	17
Death of Mother – Father's Entitlement	17
Ante-Natal and Post-Natal Care	17
Health and Safety Leave	18
Postponement of Leave Due to Hospitalisation of Child	18
Protection of Employment Rights	18
Breastfeeding Facilities	19
Payment from the Employer while on Maternity Leave	20
<b>ADOPTIVE LEAVE</b>	<b>21</b>
Introduction	21
Adoptive Leave	21
Additional Adoptive Leave	21
Death of Adopting Mother – Adopting Father's Entitlement	21
Postponement of Adoptive Leave or Additional Adoptive Leave in Event of Hospitalisation of Child	22

Notification Requirements	22
Rights During Leave	22
Attendance at Pre-adoption Classes and Meetings	23
Payment from the Employer while on Adoptive Leave	23
<b>PATERNITY LEAVE</b>	<b>24</b>
<b>PARENTAL LEAVE</b>	<b>24</b>
Notification of Parental Leave	25
Manner in which Parental Leave May be Taken	25
Salary Deductions	26
Protection of Employment Rights	26
<b>FORCE MAJEURE LEAVE</b>	<b>27</b>
Entitlement	27
Protection of Employment Rights	27
<b>CARER'S LEAVE</b>	<b>28</b>
Entitlement to Carer's Leave	28
Manner in which Carer's Leave May be Taken	29
Confirmation of Carer's Leave	29
Revocation of Notice	29
Alterations to the Confirmation Document	29
Protection of Employment Rights	29
Termination of Carer's Leave	30
Return to Work	30
Disputes	30
Carer's Benefit	30
<b>SPECIAL LEAVE WITH PAY ON MARRIAGE</b>	<b>31</b>
<b>COMPASSIONATE LEAVE</b>	<b>32</b>
<b>JURY SERVICE</b>	<b>33</b>
<b>CAREER BREAKS</b>	<b>34</b>
General Conditions	34
Return to Work	34
Superannuation	34
Social Welfare Benefits	35
<b>SPECIAL LEAVE WITH NOMINAL PAY</b>	<b>36</b>
Superannuation	36
Incremental Credit	36
<b>LEAVE FOR TRADE UNION REPRESENTATIVES</b>	<b>37</b>
Time off During Work.	37
Special Leave with Pay	37
<b>OTHER TYPES OF LEAVE</b>	<b>39</b>
Candidate for Interview	39
Ministerial Appointment	39
Selection Board	39

<b>STUDY LEAVE</b>	<b>39</b>
<b>RESERVE DEFENCE FORCES</b>	<b>40</b>
<b>SECTION 2 - AFTER HOURS ATTENDANCE</b>	<b>42</b>
<b>OVERTIME</b>	<b>42</b>
General Principle Governing Overtime Arrangements	42
Overtime for Part-time Staff	42
Overtime Rates	42
Time off in Lieu	44
<b>ON-CALL/STANDBY ALLOWANCE AND CALL-OUT PAYMENTS</b>	<b>46</b>
On-Call Stand-By Payment	46
Consultants	46
NCHDs	47
Theatre Nurse	48
IT Staff	48
Physiotherapists	49
Radiographers	49
Medical Laboratory Scientists	50
Ambulance	50
Non Nursing-Maintenance Staff	51
<b>PLANNED ESSENTIAL SERVICES</b>	<b>52</b>
Public Health Nurse	52
<b>'SLEEP-OVER'</b>	<b>53</b>
Definition of Sleepover/Sleep in	53
Payment system	53
<b>UNSOCIAL HOURS</b>	<b>54</b>
Saturday Work	54
Sunday Work	54
Public Holiday	54
Night Duty	54
Shift Work	55
Twilight Hours/Evening Hours	55
Payment System	55
<b>SECTION 3 - ALLOWANCES</b>	<b>57</b>
<b>ACTING-UP</b>	<b>58</b>
General Rules	59
Exceptions to the General Rules	59
<b>OTHER ALLOWANCES</b>	<b>60</b>
Location and Qualification Allowances – Nurses	60
Location Allowance	63
Specialist Qualification Allowance	62
Other Arrangements	62

<b>HIGHER DEGREE AND HIGHER DIPLOMA ALLOWANCES PAYABLE TO NCHDS</b>	<b>62</b>
<b>TRAINING GRANTS</b>	<b>64</b>
Training Grants Payable to NCHDs	64
Type of Grant Applicable to Amount	64
Training Grants Payable to Consultants	64
Training Grants Payable to Public Health Doctors	65
Training and Education – Therapy Grant	
<b>TOOL ALLOWANCE</b>	<b>66</b>
<b>SECTION 4 – INCREMENTAL CREDIT AND STARTING PAY ON PROMOTION</b>	<b>67</b>
<b>INCREMENTAL CREDIT</b>	<b>68</b>
Introduction	68
Section A – General Principles	68
Long Service Increments	68
Relief and Part-time Staff	68
Participants in the Flexible Working Scheme	68
Section B – Special Arrangements	68
Nurses	68
Clerical/Administrative Grades	69
Non-Consultant Hospital Doctors	69
Therapy Grades	70
Dentists	70
Dental Surgery Assistants	70
Childcare Workers	70
Assistant House Parents (Intellectual Disability Services)	70
Pharmacists	70
Pharmaceutical Technicians	70
Assistant Technical Services Officer	70
Senior Assistant Technical Services Officer	71
<b>STARTING PAY ON PROMOTION</b>	<b>72</b>
Nurses	72
Psychiatric Nurses	73

# INTRODUCTION

**This reference work has been prepared with a number of purposes in mind:**

- To support and assist our line managers in their people management role;
- To consolidate the various regulations and procedures pertaining to employment terms and conditions with the HSE;
- To provide our available reference document to any member of staff seeking to establish their entitlements;
- To support the move towards standardisation of terms and conditions across the unitary HSE.

**The document has been prepared by the HSE – Employers Agency and is divided into four main sections:**

- Leave
- After Hours Attendance
- Allowances
- Incremental Credit and Starting Pay and Promotion

While the document includes information on the salient employment legislation relating to particular conditions of employment and references to historical circular it does not purport to be a definitive legal interpretation.

While in some locations custom and practice may involve some local variation from the standard norms, our objective is to achieve consistency with the regulations and procedures as set out in the document. Arrangements relating to the elimination of 'local' grade codes have also been introduced. In addition it is intended to develop a HSE standard suite of documentation in respect of the operation of the various terms and conditions set out here.

The document refers to those regulations and procedures which were in operation upon publication and it is intended as a living document which will be available on our intranet for ease of access.

Should you require any further information on the provisions outlined contact your line manager, your HR Department or the HSE – Employers Agency.

**Martin McDonald**  
**A/National Director of Human Resources**



# section 1

## Leave

This chapter sets out the leave arrangements and payments for such leave which apply in the Health Service Executive. Some leave types may not apply to all categories of staff. The section of the document covers the following:

- Annual Leave
- Public Holidays
- Sick Leave
- Maternity Leave including Health & Safety Leave
- Adoptive Leave
- Paternity Leave
- Force Majeure Leave
- Parental Leave
- Carer's Leave
- Other Leave.

Please note that in general all absences should be recorded in hours. A day is normally defined as one fifth of the weekly working hours of the whole time equivalent.



# Annual Leave

The Organisation of Working Time Act, 1997 provides for the implementation of the EU Council's Directive on the Organisation of Working Time (93/104/EC). Its purpose is to provide in all sectors of activity, both public and private, minimum health and safety requirements for the organisation of working time. The Act sets out statutory entitlements for employees in respect of rest, maximum working time and holidays. It also deals with the issues of payment in respect of Sunday working and minimum payments for those employed under 'zero hours' contracts.

## **The Act defines working time as any time an employee is:**

- At his or her place of work or at his or her employer's disposal, and
- Carrying on or performing the activities or duties of his or her work.

Thus, working time means net working time (i.e. exclusive of breaks, rest periods and periods of on-call/standby).

## **ACCRUAL OF ANNUAL LEAVE**

An employee accumulates annual leave for time worked. However when an employee works overtime this does not entitle him/her to accrue annual leave.

## **The Act sets out three mechanisms for earning an entitlement to annual leave.**

### **Employees are entitled to whichever of the following is the greater:**

- 4 working weeks in a leave year in which the employee works at least 1,365 hours (unless it is a leave year in which s/he changes employment)  
or
- One third of a working week for each month in the leave year the employee works at least 117 hours  
or
- 8% of the hours worked in the leave year, subject to a maximum of four working weeks.

The 'working week' is the number of days or hours that the employee normally works in a week. For example, if an employee works four days a week, then his/her holiday entitlement is four weeks x 4 (days). If an employee works five days a week, then his/her entitlement to four weeks' leave is equivalent to 20 days' leave.

The majority of health service grades or categories of staff have leave entitlements that are greater than the minimum as provided for in the Organisation of Working Time Act.

Where an employee commences employment or terminates his/her employment during the leave year, annual leave entitlement is calculated on a pro rata basis.

## **Overtime**

Hours worked on an overtime basis therefore should not be reckoned in calculation of the annual leave entitlement or the payment for annual leave **except** in scenarios where the employee falls short of the minimum entitlement as set out by the Organisation of Working Time Act 1997.

In situations where part-time staff are required to work beyond their contracted hours on a regular rostered basis over a significant period of time it may be more appropriate to review the employee's contracted hours if this requirement is likely to continue.

**Accrual of Annual Leave for Part-Time/Sessional Staff**

Part-time employees accrue an entitlement to annual leave on a pro rata basis to their whole-time-equivalent.

Table 1:	
Formulae for calculating pro-rata Annual Leave Entitlements of Part-time Staff who work fixed working hours e.g. participants in the Flexible Working Scheme	
$\frac{\text{Hours worked by Part-Time Employee}}{\text{Hours worked by WTE}} \times \text{Annual Leave of WTE in hours}$	
For example, if an employee is contracted to work 20 hours per week, (whole-time equivalent works 35 hours per week, and receives 24 days annual leave per annum, (7*24=168 annual leave hours per annum), applying the above formula, i.e. 20/35 * 168 = 96 hours She/he will be eligible for 96 hours annual leave per annum.	

Table 2:	
Formulae for calculating pro-rata Annual Leave Entitlements of Part-time Staff who work who work varying hours	
$\frac{\text{Number of Annual Leave Days of the WTE Expressed in Hours}}{\text{Number of standard weekly working hours of the WTE x 52 weeks}} \times 100$	
A part-time employee works varying hours on an if and when required basis will receive an annual leave entitlement pro-rata to the Whole Time Equivalent (WTE) based on a percentage figure which is calculated using the above formula. For example: If the WTE receives 24 annual leave days per year and the standard working week for the grade is 39 hours. Then the annual leave entitlement of the WTE expressed in hours is 187.2 (i.e. 24 x one-fifth of the standard working week 7.8hours). This is then divided by the annual working hours of the grade, i.e. standard weekly working hours of the grade (39) multiplied by 52 weeks (39x52) 2028. 187.2 divided by 2028 multiplied by 100 = 9.2% Therefore the part-time workers annual leave entitlement is 9.2% of the hours which s/he works.	

**Holiday Pay**

Payment for annual leave includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime. Premiums currently included are Saturday, Sunday, night duty, twilight hours and public holidays.

**Note:** The majority of health service employers calculate unsocial hours premium payments for holiday pay purposes for nursing and non-nursing staff in accordance with an arrangement which was agreed by health service employers and unions representing nursing and non-nursing staff, to provide for equity in the calculation of holiday pay. Under this arrangement, premium payments for holiday pay purposes are based on an average of premium earnings (exclusive of overtime), calculated over the 12 month period preceding the annual leave year in which annual leave is being granted. This payment is normally made on a designated date or dates as agreed as agreed at each location.

**c.f. Department of Health Circular S100/412**

'I am directed by the Minister for Health to refer to claims on behalf of nursing personnel and non-nursing grades for inclusion of premium payments in pay during annual leave in accordance with the terms of the Holidays (Employees) Act, 1973. The Minister's sanction may be assumed to implementation of these claims, effective from the commencement of the 1975 leave year, on the basis of including with basic pay during annual leave an average of premium payments (exclusive of overtime) earned during normal working hours. The average of premium earning for this purpose (i.e. average of premium earnings in respect of weekend, public holidays and night duty commitment) should be calculated on the 12 month period next preceding the annual leave year during which annual leave is being granted.'

**CALCULATING HOLIDAY PREMIUM PAY**

To calculate holiday premium the total premium pay received by the employee should be divided by the number of contracted hours worked by the employee in a year (this gives the average premium earnings per hour) and multiplied by the number of annual leave days in hours that the employee is entitled to.

**For example, a nurse who is contracted to work 39 hours per week and has an annual leave entitlement of 24 days would be entitled to the following:**

Total premium earnings:	€7,500
Total annual contracted hours	2,028 (39 x 52)
Annual leave entitlement in hours	187.2 (24 x 7.8)
 (7,500/2,028)*187.2 =	
€692.31 premium pay	

**DEFERRING ANNUAL LEAVE**

Annual leave is normally required to be taken within the appropriate leave year. However, where an employee does not avail of his/her outstanding leave because of service requirements, or other exceptional circumstances, s/he may be allowed to carry leave forward to be taken within the first 6 months of the following annual leave year.

**ILLNESS DURING ANNUAL LEAVE**

Where an employee falls ill during annual leave and submits a medical certificate from a registered medical practitioner, the period covered by the certificate is regarded as sick leave and annual leave entitlement is restored.

**ANNUAL LEAVE RECORDS**

Annual leave records should be retained for at least three years as evidence that the employer is complying with the legislation.

# Public Holidays

There are nine public holidays provided for in the Organisation of Working Time Act, as follows:

- Christmas Day
- St. Stephen's Day
- St. Patrick's Day
- Easter Monday
- The first Monday in May
- The first Monday in June
- The first Monday in August
- The last Monday in October
- The first of January.

## QUALIFYING CONDITIONS

All permanent and temporary employees who work on a full-time basis have an immediate entitlement to public holiday benefits. Employees who work on a casual/part-time basis must have worked at least 40 hours during the 5 week period ending on the day before the public holiday to qualify for the public holiday.

## PAYMENT AND COMPENSATION FOR PUBLIC HOLIDAYS

Payment for public holidays is governed by the Organisation of Working Time (Determination of Pay for Holidays) Regulations, 1997. Payment in respect of a public holiday includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime. Additionally many employees in the health service receive premium payments in excess of the statutory requirements.

Entitlement to public holidays may be implemented in the health service in light of both statutory and contractual provisions as follows:

### *A) Employees who work or who are normally required to work on the day on which the public holiday falls*

An employee who works a '5 over 7' roster and is scheduled to work on the day on which the public holiday falls is entitled to payment for hours worked plus single time extra for each of those hours. S/he is also entitled to a additional day's annual leave or an additional day's pay based on 1/5 of his/her standard working week in respect of his/her statutory entitlement for the public holiday<sup>1</sup>.

An employee who works a '5 over 7' roster and whose scheduled day off is the day on which the public holiday falls is entitled to an additional day's leave based on 1/5 of his/her standard working week in respect of his/her statutory entitlement to a public holiday.

An employee who normally works on the day on which the public falls but has the day off by virtue of the fact that it is a public holiday is entitled to his/her normal day's pay.

### *B) Employees not normally required to work on the day on which the public holiday falls*

An employee who is not normally required to work on the day on which the public holiday falls, (e.g. locum/relief/casual staff and part-time employees who are only rostered to work on particular days), is entitled one-fifth of his/her normal weekly pay. (Such employees must however have worked 40 hours in the 5 weeks ending on the day before the public holiday to qualify for this entitlement.)

### *C) Job-Sharers – Monday to Friday*

In the case of job-sharers who work Monday to Friday and do not work or are not normally required to work on the day on which the public holiday falls, the appropriate rate in respect of the public holiday is the sum that is equal to one-tenth of the sum that is paid in respect of the last 2 weeks of normal working hours worked by the employee before that public holiday.

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<sup>1</sup> As an exception to the above in some locations psychiatric nurses' and ambulance personnels' public holiday entitlement reflects his/her normal working day.

For part-time employees who work varying hours and have just started work prior to the public holiday and have not yet worked for 13 weeks, the pro rata calculation for payment will be based on the number of weeks worked prior to the public holiday.

#### EMPLOYEE ABSENT FROM WORK PRIOR TO A PUBLIC HOLIDAY

- An employee is not entitled to a public holiday if s/he is absent from work immediately before the public holiday for one of the following reasons;
- Absence in excess of 52 consecutive weeks by reason of an occupational injury;
- Absence in excess of 26 consecutive weeks by reason of an illness or injury (not occupational);
- Absences in excess of 13 consecutive weeks caused by a reason not including injury or illness;
- Absence by reason of a strike;
- Absences due to Carer's Leave (after the first 13 weeks of the leave has elapsed);
- Absences due to Health and Safety leave under the Maternity (Protection Act), 1994, i.e. an employee will not accrue an extra day in lieu of the public holiday to be taken at the end of the Health and Safety leave period.

#### NOTES:

- An employee who is absent on statutory maternity, additional maternity leave or adoptive leave continues to accrue an entitlement to public holidays.

In the case of an employee who works varying weekly working hours, payment in respect of his/her public holiday entitlement is calculated by aggregating the employee's total weekly working hours in the preceding thirteen weeks and dividing by thirteen to establish his/her average weekly earnings.

- Public holiday work is normally defined as any roster, which commences, between midnight on the eve of the public holiday and midnight on the public holiday.
- Payment in respect of a public holiday includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime.

#### TERMINATION OF EMPLOYMENT

Where the employment terminates during the week ending on the day before a public holiday and the employee has worked during the 4 weeks preceding that week, the employee is entitled to be paid in respect of that holiday.

# Sick Leave Benefit

The granting of the sick leave provisions as outlined below is discretionary.

## OFFICERS SICK PAY SCHEME

The sick pay scheme which applies to “officer grades” in the HSE is based on the scheme set out in Department of Health Circular 10/71.

*Salary during sick leave may be paid to officers in accordance with the following provisions:*

- a) except in the case mentioned in sub-paragraph (d) no salary shall be paid to an officer when the sick leave granted to such an officer during any continuous period of four years exceeds in the aggregate 365 days.
- b) Subject to limitation mentioned in sub-paragraph (a), salary may be paid to an officer at the full rate in respect of any days sick leave unless, by reason of such payment the period of sick leave during which such officer has been paid full salary would exceed 183 days during the twelve months ending on such day.
- c) Subject to the limitation mentioned in sub-paragraph (a) salary may be paid at half the full rate after salary has ceased by reason of the provision in sub-paragraph (b) to be paid at the full rate.
- d) If before the payment of salary ceases by reason of the provision in sub-paragraph (a) the Minister so consents, salary may be paid to a pensionable officer with not less than five years service notwithstanding the said sub-paragraph (a) at either half the full rate or at a rate estimated to be the rate of pension to which such officer would be entitled on retirement, whichever of such rates shall be the lesser.
- e) For the purposes of these provisions, every day occurring within a continuous period of sick leave shall be reckoned as part of such period.

Where an officer is suffering from tuberculosis (TB) and is undergoing treatment, sick leave may be extended to allow the payment of salary at three quarters the full rate to the officer for the second six months of his/her illness and at half the full rate during the third six months of illness.

## WHOLETIME TEMPORARY STAFF

Temporary officers employees are entitled to the same sick pay as permanent employees on a pro-rata basis; e.g. where a permanent officer is entitled to six months full pay and six months half pay in a four year period, a temporary officer employed on a one year contract would be entitled to one quarter of this entitlement. The local rules of sick pay schemes must apply equally to both temporary and permanent staff, depending on the length of the person's contract e.g. rules relating to uncertified days should be granted on a pro-rata basis.

## NON-OFFICERS SICK PAY SCHEME

Non-officers may be granted 12 weeks' full pay in any period of 12 months, commencing on the first day of illness. All sick leave should be recorded in hours (where conditions are at variance with the above staff will retain same on a person to holder basis). Accordingly the maximum amount of 12 weeks equals 468 hours.<sup>2</sup>

<sup>2</sup> This provision is contained in the change and modernisation agenda outlined Recognising and Respecting the Role Agreement for support staff issued in December 2003.

Seven days uncertified sick pay in a year may be allowed as part of normal sick pay.

**The following provisions were agreed as part of the PCW Productivity/Flexibility Agreement for Non-Officer grades (1998):**

- Where an employee has established an excellent attendance record over a number of years but becomes incapacitated as a result of a serious illness or injury, the employee's record may be reviewed on an individual basis. Consideration may be given, where appropriate, to extending sick pay in such cases up to a maximum of six months' full pay in a year. The granting of such extra sick leave must be based on the merits of the particular case and generally will be extended to an individual on one occasion only.

NOTE: IN ALL CASES SOCIAL WELFARE ENTITLEMENTS ARE DEDUCTED FROM SICK PAY.

#### **PART-TIME STAFF –RECORDING OF ABSENCES**

Absences for part time staff are calculated as a percentage of their contracted hours referenced to a calendar week of the whole-time equivalent, i.e. they have a pro rata entitlement to the whole time equivalent:

**Example 1:** An employee is contracted to work 16 hours per week, if s/he is absent on the day s/he was scheduled to attend for a four hour roster, this equates to 25% of his/her working week. Therefore, this should be recorded as 25% of a calendar week sick leave.

**Example 2:** An employee is contracted to work 24 hours per week, worked as two shifts of 12 hours each, if s/he is absent on the two days s/he was scheduled to attend, this equates to 100% of his/her working week. Therefore, this should be recorded as 100% of a calendar week sick leave.

**Example 3:** An employee is contracted to work 30 hours per week, worked as two shifts of 12 hours each and one shift of 6 hours, if s/he is absent on the day that s/he was scheduled to work six hours, this equates to 20% of his/her working week. Therefore, this should be recorded as 20% of a calendar week sick leave.

#### **PART-TIME STAFF – PAYMENT FOR SICK LEAVE**

Part-time staff are granted sick pay pro rata to the equivalent full-time grade. The rate of sick pay which may be granted is the normal basic wage on a pro rata basis, less social welfare deductions, subject to an overall limit of 100% of their basic pay.

#### **NON-CONSULTANT HOSPITAL DOCTORS**

- To qualify for sick pay, NCHDs must have completed six months' service in the public health service.
- During the first twelve months of service, NCHDs may be granted up to 6 weeks' basic pay.
- During the second and third years of service, NCHDs may be granted up to 12 weeks' basic pay.
- On completion of three years' service, NCHDs may be granted sick pay in accordance with the sick pay provisions covering other officer grades.

**Note:** Employees who are covered by full class PRSI (Class A) insurance in some cases are required to sign a mandate authorising the Department of Social, Community and Family Affairs to pay any benefits (including occupational injuries benefit) directly to the employer. Payment during sick leave is conditional on the employee making the necessary claims for social insurance benefit to the Department within the required time limits.

# Serious Physical Assault Scheme

All employees who are absent from work as a result of a serious physical assault by a patient/client incurred in the course of their duties are covered by the Serious Physical Assault Scheme.

## The scheme provides as follows:

- a) Full pay based on the earnings an employee would have earned if still at work and working the hospital/community approved roster.
- b) Such full pay which would include basic pay, allowances and premium earnings may be paid for a period of up to:  
**6 months** for officer grades  
**3 months** for general support staff.
- c) Payment made under (b) above shall be reduced by the amount of any benefit under the Social Welfare Code the employee is entitled to arising from absence due to the injury.
- d) Salary paid to an employee in the circumstances outlined above will not affect an employee's entitlement under the Sick Pay Scheme.

## SPECIAL EXTENSIONS FOR NURSES

In the case of nurses the following special extensions to the above scheme apply:

### *First Special Extension*

A medical assessment to review the employee's progress should be carried out no later than six (6) weeks into the period of absence. If it is unlikely that the employee will be fit to return to work within the six-month period covered by the scheme or immediately thereafter, but there remains a reasonable expectation that the employee will return to work, a First Special Extension may be granted up to a maximum period of **three months**.

### *Second Special Extension*

A medical assessment to review the employee's progress should be carried out no later than six (6) weeks into the first special extension. If it is unlikely that the employee will be fit to return to work during the three-month period covered by the First Special Extension or immediately thereafter, but there still remains a reasonable expectation that the employee will return to work, a further final extension may be granted. The second special extension provides for **basic pay only** and is for a maximum period of **three months**.

Refer to the Revised Serious Physical Assault Scheme for Nurses (2001) for further details on the operation of the scheme.

### *Injury Grant 5/6ths Allowance*

After the expiration of the Special Sick Pay Scheme, the injury at work grant provisions of the relevant superannuation scheme may be invoked.

### *Hospital Expenses*

#### **Expenses incurred in respect of hospital/medical charges will be recouped as follows:**

- a) A refund of expenditure incurred in respect of treatment provided by the Irish Public Health Service.
- b) General Practitioner Casualty and Consultant visits.
- c) Prescription charges.

Employees are obliged to claim under medical insurance schemes where appropriate (e.g. V.H.I. Refund of Drug Schemes, etc) and any payments made in respect of hospital/medical expenses will be solely in respect of excess expenditure by the individual. Payments made under this scheme do not confer any admission of liability on the part of the employer.



# Maternity Leave

## INTRODUCTION

All employees are covered by the Maternity Protection Act 1994 and 2004 which provides protection for all pregnant employees, employees who have recently given birth or who are breastfeeding. There are no service qualifications.

Employees are also entitled to maternity pay from their employer in respect of their statutory maternity entitlement.

## MATERNITY LEAVE

As part of the Budget 2006, the Minister for Finance, Mr Brian Cowen, T.D., announced significant extensions to the periods of paid maternity leave over the next two years as follows:

- Employees who **commence** maternity leave on or after **1 March 2006** are entitled to **22 weeks** paid maternity leave.
- Employees who commence maternity leave on or after **1 March 2007** will be entitled to **26 weeks** paid maternity leave.

**A pregnant employee can begin and end her maternity leave on any day she selects (provided she complies with the notification requirements) but must:**

- Take a minimum of two weeks leave before the end of the expected week of confinement;
- Take 4 weeks leave after the end of the expected week of confinement.

## ADDITIONAL MATERNITY LEAVE

An employee is entitled to take a period of unpaid additional maternity leave immediately after the end of ordinary maternity leave.

- From the 1st of March 2006 an employee's unpaid maternity leave will increase by 4 weeks from 8 to 12 weeks.
- From the 1st of March 2007 an employee's unpaid maternity leave will increase again by a further 4 weeks to 16 weeks unpaid maternity leave.

If an employee has had her paid maternity leave extended because of a late birth, she is still entitled to take additional maternity leave.

A mother in the last four weeks of her maternity leave who has notified the employer of her intention to take additional maternity leave or is already on additional maternity leave, may, if she becomes sick request her employer to terminate the additional maternity leave and to take sick leave instead. In these circumstances the employee will forfeit their remaining additional maternity leave.

## *Fixed Term Contracts*

Employees on fixed term contracts are covered by the protective provision of the Act for the duration of their contract. All temporary employees on maternity leave are entitled to receive maternity pay. However should the temporary contract expire before the end of the maternity leave, maternity pay will not be paid beyond the expiry date of the contract. The exception to this rule are NCHDs who are entitled to receive maternity pay from their employer for the full 22 week period, even if their contract expires prior to the end of their maternity leave.

### *Stillbirths/Miscarriage*

In the event of a stillbirth occurring after the 24th week of pregnancy, an employee is still entitled to 22 weeks paid maternity leave and 26 weeks on or after 1st March 2007.

### *Late Births*

If the baby's late birth means that an employee has less than four weeks maternity leave remaining after the week in which her baby was born, then she may extend her maternity leave to ensure she has a full four weeks off following the week of the birth.

### *Early Births*

In the event of a pregnant employee's date of confinement occurring more than two weeks before it is expected and if the employee has not already commenced maternity leave, she is entitled to take 22 consecutive weeks (26 weeks on or after 1st March 2007) maternity leave from that point.

## **MATERNITY LEAVE – NOTIFICATION REQUIREMENTS**

An employee must notify her employer of her intention to take maternity leave at least four weeks before the leave is due to commence.

Application for additional maternity leave should be made either at the time of the initial application or in writing not later than 4 weeks before the end of the maternity leave.

If an employee changes her mind re maternity leave she may revoke the notice by sending a further written notice to her employer.

## **DEATH OF MOTHER – FATHER'S ENTITLEMENT**

Where a mother dies within 20 weeks of the birth, the father (if employed under a contract of employment) will be entitled to leave up to the end of that 20th week. Where the mother dies in childbirth, the father is entitled to 20 weeks leave. Leave to which the father is entitled must commence within 7 days of the mother's death.

In the case of the mother's death occurring after the end of the 20th week, but before the end of the 32nd week after the confinement, the father is also entitled to unpaid leave. In this case the period of leave ends at the end of the 32nd week following the week of confinement.

## **ANTE-NATAL AND POST-NATAL CARE**

An employee is entitled to as much paid time off work as is necessary for ante-natal and postnatal medical visits. Time off includes the time required to travel to and from the appointment. The employee must notify her employer in writing of the date and time of the appointment as soon as is practicable and in any event not later than two weeks before the date of the appointment.

A pregnant employee is entitled to attend one set of ante-natal classes without loss of pay (except the last 3 classes in a set). Fathers have a once-off right to paid time off to attend the two ante-natal classes immediately prior to the birth. The employee must notify her or his employer in writing of the date and time of the class as soon as is practicable and in any event not later than two weeks before the date of the class.

### **If a pregnant employee is unable to attend one full set of classes during pregnancy due to circumstances beyond her control including:**

- Miscarriage,
- The premature birth of the baby or,
- The illness of the employee.

She is entitled to such time from her work without loss of pay as is necessary for her to the balance of the classes.

## HEALTH AND SAFETY LEAVE

Pregnant employees, employees who have recently given birth and employees who are breast feeding may be entitled to take Health and Safety leave in certain circumstances.

### *Risk Assessment*

The Safety, Health and Welfare at Work (Pregnant Employees etc.) Regulations 2000 (S.I. No 218 of 2000) requires employers to assess the workplace for risks to safety or health of any pregnant employees, employees who have recently given birth or who are breastfeeding. If a risk is identified and it is not practicable to take protective or preventative measures, local management must temporarily adjust the employee's working conditions or working hours. If this is not possible, the employee must be given suitable alternative work. If no such work is available, the employee should be granted health and safety leave.

Employers may not require employees to perform night work if a doctor certifies that it is necessary for the safety or health of an employee that she should not be required to perform nightwork during pregnancy or for 14 weeks following the childbirth.

### *Health and Safety Pay*

An employee on health and safety leave is entitled to full basic pay plus any allowance normally paid from the employer for the first 21 calendar days of leave. Pay does not include additional amounts an employee would receive for night-work, shift-work, overtime, working unsociable hours, standby or on-call allowances.

An employee whose health and safety leave extends beyond 21 days may be entitled to health and safety benefit from the Department of Social Welfare, subject to her P.R.S.I. contributions.

## POSTPONEMENT OF LEAVE DUE TO HOSPITALISATION OF CHILD

An employee may postpone the period of maternity leave/additional maternity leave (subject to the agreement of her employer) in the event of the hospitalisation of the newborn child. Leave may only be postponed after 14 weeks maternity leave has been taken. These provisions apply to the father of the child, where the father is taking maternity leave in the place of the mother.

The decision to postpone the maternity leave or additional maternity leave is subject to the agreement of the employer. If the employer does agree to postpone the leave, then the employee concerned must return to work on the date agreed between both parties. The remaining leave is postponed and the employee will be entitled to take "resumed leave" not later than seven days after the discharge of the child from hospital. The remaining leave must be taken in one block.

The maximum period of postponement of leave will be 6 months from the return to work date.

The employer may require an employee to provide a letter from the hospital in which the child is hospitalised, confirming the hospitalisation. The employer may also require a letter, or other appropriate documentation, from the hospital or the child's GP confirming that the child has been discharged from the hospital in order to allow the employee to commence their postponed leave.

## PROTECTION OF EMPLOYMENT RIGHTS

### *Maternity Leave*

During maternity leave, an employee is regarded as if she is in work for the purposes of annual leave entitlement, incremental credit, seniority, etc.

### *Additional Maternity Leave*

During the additional maternity leave, the employee is still in the employment relationship with the employer. Thus, the employee will accrue all rights, except the right to remuneration and superannuation, during this period<sup>3</sup>.

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<sup>3</sup> When further father's leave is taken where the mother has died, the same conditions apply.

### *Health and Safety Leave*

During health and safety leave, an employee is treated as if she was still at work and continues to accrue entitlements based on actual service. However, she has no entitlement to any public holidays that may occur during this period.

### *Sick Leave and Annual Leave*

Absence from work on protective leave may not be treated as part of any other leave, including sick leave or annual leave, to which an employee is entitled.

### *Public Holidays*

An employee's protective leave is extended by the number of public holidays which fall during the period of such leave.

### *Probation, training and apprenticeships*

All periods of probation, training and apprenticeship that are interrupted by protective leave are suspended until the end of the leave.

### *Return to Work*

An employee who has been absent on protective leave is entitled to return to the same job as previously held, under the same contract of employment.

If the employee was not doing her usual work immediately before her protective leave began, she is entitled to return to her usual work on return from protective leave.

Where it is not reasonably practicable to permit an employee to return to her usual work, she is entitled to 'suitable alternative work' which should not be substantially less favourable in terms of pay, responsibility, etc.

The employee's right to return to work is conditional on giving written notification of intention to return to work.

## **BREASTFEEDING FACILITIES**

Breastfeeding mothers who have given birth within the previous 6 months have an entitlement, without loss of pay, to either an adjustment of working hours to allow them to breastfeed their child, or where breastfeeding facilities are provided by the employer the employee is entitled to breastfeeding breaks.

### **These breaks may be taken in the form of:**

- One break of 60 minutes
- Two breaks of 30 minutes each
- Three breaks of 20 minutes
- Or in such other manner as agreed between her and her employer.

### **If no breastfeeding facilities exist the employee may reduce her working day by 1-hour and that reduction may comprise of:**

- One period of 60 minutes
- Two periods of 30 minutes each
- Three periods of 20 minutes
- Or in such other manner as agreed between her and her employer.

#### PAYMENT WHILE ON MATERNITY LEAVE

All employees on maternity leave are entitled to full basic pay plus normal fixed allowances less any social welfare allowance to which they may be entitled on foot of their social welfare contributions. This does not include additional amounts due to nightwork, overtime, shiftwork, working unsociable hours, standby or on-call allowances.

**All other employees are entitled to full basic pay plus any allowance normally paid, less social welfare benefit. Payment is normally subject to the following conditions:**

- They sign a form authorising the Department of Social Welfare to pay maternity benefit directly to the Executive.
- They apply for maternity benefit within the required time limits.

**Note:** No payment is made in respect of additional maternity leave.

#### *Calculation of Maternity Pay for Part-Time Employees*

Part-time employees with **regular weekly hours of attendance** are entitled to their normal weekly pay (exclusive of unsocial hours premium payments, overtime, on-call/standby allowances).

Part-time employees with **varying weekly hours of attendance** are entitled to their average weekly pay, (exclusive of unsocial hours premium payments, overtime, on-call/standby allowances), calculated over the previous 13 weeks (this includes "if and when required" employees).

# Adoptive Leave

## INTRODUCTION

All employees are covered by the Adoptive Leave Acts 1995 and 2005, which provides a range of entitlements for adopting parents.

### **Adoptive leave may be granted to the following:**

- All adopting mothers under a contract of employment;
- All sole male adopters under a contract of employment;
- All adopting fathers under a contract of employment where the adopting mother has died before or during the period for adoptive leave or additional adoptive leave.

## ADOPTIVE LEAVE

An employee is entitled to 16 consecutive weeks' adoptive leave, subject to compliance with the notification requirements. As part of the Budget 2006 package the period of paid adoptive leave was also extended.

- From the 1st of March 2006 an employee's paid adoptive leave will increase by 4 weeks from 16 weeks to 20 weeks for those who commence adoptive leave after this date.
- From the 1st of March 2007 an employee's paid adoptive leave will increase again by a further 4 weeks to 24 weeks for those who commence adoptive leave after this date.

## ADDITIONAL ADOPTIVE LEAVE

An employee may take up to 8 weeks' additional unpaid adoptive leave.

- From the 1st of March 2006 an employee's unpaid adoptive leave will increase by 4 weeks from 8 to 12 weeks.
- From the 1st of March 2007 an employee's unpaid adoptive leave will increase again by a further 4 weeks to 16 weeks unpaid maternity leave.

In the case of a foreign adoption, some or all of the 8 weeks' additional adoptive leave may be taken immediately before the date of placement.

The adopting mother and employer may agree to terminate unpaid additional adoptive leave in the event of her illness thereby allowing the mother to transfer onto paid sick leave. However, the employee will not be entitled to resume their additional adoptive leave after this period of sick leave.

## DEATH OF ADOPTING MOTHER – ADOPTING FATHER'S ENTITLEMENT

Adopting fathers (under a contract of employment) where the adopting mother dies before the date of placement are entitled to the 20 weeks of paid adoptive leave.

Where the adopting mother dies on or after the day of placement, adopting fathers are entitled to 20 weeks paid adoptive leave less the period beginning on the day of placement and ending on the date of the mother's death ie: the balance of the leave.

Where the adopting mother dies before the expiration of the 20th week following the date of placement, an adopting father has an overall entitlement to 12 weeks unpaid leave (in the case of a foreign adoption, if the mother dies before the day of placement, some or all of this leave may be taken immediately before the day of placement).

If an adopting mother dies on or after the expiration of 20 weeks from the date of placement, the adopting father has an overall entitlement to 12 weeks unpaid leave less the period between the date of that expiration and the date of the mother's death.

#### POSTPONEMENT OF ADOPTIVE LEAVE OR ADDITIONAL ADOPTIVE LEAVE IN EVENT OF HOSPITALISATION OF CHILD

**Under the Act an employee may, if the adopted child is in hospital and the employee is entitled to or is on adoptive leave or additional adoptive leave, apply to the employer to postpone:**

- a) part of the adoptive leave
- b) part of the adoptive leave not taken and the additional adoptive leave or
- c) the additional adoptive leave or part of it not taken.

The decision to postpone the adoptive leave or additional adoptive leave is subject to the agreement of the employer. If the employer does agree to postpone the leave, then the employee concerned must return to work on the date agreed between both parties. The remaining leave is postponed and the employee will be entitled to take "resumed leave" not later than seven days after the discharge of the child from hospital or such other date as may be agreed between the employee and the employer. The remaining leave must be taken in one block.

The maximum period of postponement of leave will be 6 months from the return to work date. The employer may require an employee to provide a letter from the hospital in which the child is hospitalised, confirming the hospitalisation. The employer may also require a letter, or other appropriate documentation, from the hospital or the child's GP confirming that the child has been discharged from the hospital in order to allow the employee to commence their postponed leave.

If an employee who postpones her/his adoptive leave becomes ill after returning to work and before taking "resumed leave" she/he may be considered to have started her resumed leave on the first day of absence because of illness. Alternatively, she may chose to forfeit her right to resumed leave and have her leave treated in the normal manner under the sick pay scheme.

#### NOTIFICATION REQUIREMENTS

An employee must give at least 4 weeks notice, before the expected day of placement of the child, of his/her intention to take adoptive leave. If the day of placement is postponed the leave may be postponed until the new day of placement.

Application for additional adoptive leave should be made not later than 4 weeks before the end of the paid adoptive leave.

#### RIGHTS DURING LEAVE

Absence from work on adoptive leave is both continuous and reckonable.

During the additional adoptive leave, the employee is still in the employment relationship with the employer. Thus, the employee will accrue all rights, except the right to remuneration and superannuation, during this period.

Absence from work on adoptive leave or additional adoptive leave may not be treated as part of sick leave, annual leave or any other leave to which an employee is entitled.

An employee on statutory adoptive leave is entitled to his/her basic rate of pay, less social welfare benefit.

#### ATTENDANCE AT PRE-ADOPTION CLASSES AND MEETINGS

Adopting parents are entitled to time off during work hours without loss of pay to attend preparation classes and pre-adoption meetings with social workers/Health Service Executive officials required during the adoption process<sup>4</sup>.

#### PAYMENT FROM THE EMPLOYER WHILE ON ADOPTIVE LEAVE

Payment to persons on adoptive leave will be made in the same circumstances as to persons on maternity leave. Employees on fixed term contracts are covered by the protective provision of the Act for the duration of their contract.

Officers who are not covered under the Class A Contribution Scheme are entitled to full basic pay plus any allowance normally paid. This does not include additional amounts due to overtime, shift-work, working unsocial hours, standby or on-call allowances.

All other employees are entitled to full basic pay plus any allowance normally paid, less social welfare benefit.

No payment is made in respect of additional adoptive leave.

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<sup>4</sup> This applies only to pre-adoption classes and meetings within the State.



## Paternity Leave

A male employee is granted three days special leave with pay on the birth of his child. This leave may be taken at the time of the birth or up to four weeks after the birth.

Job-sharers and other persons with flexible working arrangements are entitled to paternity leave on a pro rata basis.

In the case of adoption, the leave may be taken on or up to four weeks after the date of placement of the child.

In respect of stillbirths, which occur after the 24th week of pregnancy, fathers are entitled to paternity leave. In the cases where two or more children are born or two or more children are adopted, the entitlement to paternity leave will be three days for each child, e.g. where twins are born the father is entitled to six days paid leave.

*c.f. Department of Health & Children Circular 153/2000*

# Parental Leave

The Parental Leave Act 1998 provides an individual and non-transferable entitlement for men and women to avail of unpaid leave from employment to enable them to take care of young children. This act was further amended by the Parental Leave Amendment Act 2006 which has brought in a number of improvements to the parental leave legislation.

All employees who are the natural or adoptive parents of a child are entitled to parental leave of 14 weeks to enable them to take care of the child. Parental leave must be taken before the child reaches 8 years of age.

The maximum age of a child in respect of whom employees may take parental leave is 16 years in the case of a child with a disability. This provision applies to a child in respect of whom a Domiciliary Care Allowance<sup>5</sup> (DCA) is or would be payable.

Parental leave entitlements are extended to persons acting in loco parentis in respect of an eligible child.

In the case of adopted children if a child is under three at the time of the adoption, the leave must be taken before the child reaches five. However, if the child is aged between three years and eight years at the time of the adoption, the leave must be taken within two years of the adoption order.

Generally the employee must have at least one year's continuous service with the employer before s/he is entitled to taken parental leave. However, where the child is approaching the age threshold and the employee has more than three months' but less than one year's service with the employer, s/he shall be entitled to pro rata parental leave. In such a case the employee will be entitled to one week's leave for every month of continuous employment completed with the employer when the leave begins.

## NOTIFICATION OF PARENTAL LEAVE

An employee must give written notice to the employer of his or her intention to take parental leave, not later than six weeks before the employee proposes to commence the leave.

Parental leave entitlements may be transferred from one parent to another if both parents are employed by the same employer, subject to the employer's agreement.

## MANNER IN WHICH PARENTAL LEAVE MAY BE TAKEN

**Parental leave may consist of the following:**

- a) A continuous period of 14 weeks, or
- b) An entitlement to take the 14 weeks parental leave in separate blocks of a minimum of 6 weeks, or
- c) With the agreement of the employer and the employee (or their respective representatives), a number of periods, each of which comprises:
  - (i) one or more days on which the employee would normally be scheduled to work, or
  - (ii) one or more hours during which the employee would normally be scheduled to work, or
  - (iii) a combination of the above.

<sup>5</sup> The Domiciliary Care Allowance is a monthly allowance paid and administered by the Health Service Executive in respect of children who are physically or intellectually disabled and require care and attention in excess of that usually required by a child of the same age.

*The total number of hours due to the employee for parental leave purposes is calculated as follows:*

**Where an employee takes parental leave in separate blocks or by working reduced hours, parental leave is such that the number of hours which, but for the leave, the employee would be working equals:**

- (i) the number of hours worked by the employee in a continuous period of 14 weeks before the commencement of leave (as may be determined by the employer and the employee), or
- (ii) if the employee and employer fail to determine a 14 week period, 14 times the average number of hours per week worked by the employee in each of the periods of 14 weeks ending immediately before the beginning of each week in which s/he takes any of the leave.

In determining a period of 14 weeks, holidays (including public holidays) to which the employee is entitled or days on which s/he is absent from work on sick leave, maternity leave, adoptive leave or force majeure leave are excluded, and a corresponding number of days immediately before the commencement of the period of parental leave is included. Time spent on parental leave itself is deemed to be time worked.

#### **SALARY DEDUCTIONS**

**Employees who works Monday to Friday, e.g. clerical/administrative staff, paramedical staff:**

- (i) Establish net weekly working hours, i.e. working day less unpaid meal breaks, e.g. 9 to 5 with one hour lunch break = 7 hours. Net weekly working hours = 35 hours.
- (ii) Reduce salary by number of working hours taken as parental leave.

**Employees who work over seven days a week:**

- (i) Reduce salary by number of working hours taken as parental leave
- (ii) Reduce basic weekly salary by this.
- (iii) The employee should also receive payment in full for unsocial hours actually worked in the pay period.

#### **PROTECTION OF EMPLOYMENT RIGHTS**

An employee on parental leave is entitled to be treated as if s/he had not been absent, so that all his/her employment rights, except the right to remuneration and superannuation benefits, will be unaffected during the leave.

Employees retain an entitlement to any public holidays falling during a period of parental leave. The Act provides that a corresponding number of days in lieu of public holidays shall be added to the end of the period of leave.

An employee who falls ill while on parental leave and as a result is unable to care for the child may suspend the parental leave for the duration of the illness following which period the parental leave commences.

Absence from work on parental leave must not be treated as part of any other leave to which the employee is entitled (i.e. annual leave, adoptive leave, maternity leave and force majeure leave).

Periods of probation, training or apprenticeship may be suspended during the period of parental leave.

# Force Majeure Leave

The Parental Leave Act also makes provision for “**force majeure**” leave, which allows an employee to take immediate time off from work in the event of an unforeseen injury or illness of a close family member where the presence of the employee is indispensable.

## ENTITLEMENT

The maximum *force majeure* leave that may be availed of is **3 working days in 12 consecutive months** or **5 working days in 36 consecutive months**.

**Force majeure leave may be granted in respect of the following persons:**

- a) a person of whom the employee is the parent or adoptive parent;
  - b) the spouse of the employee or a person with whom the employee is living as husband and wife;
  - c) a person to whom the employee is in loco parentis;
  - d) a brother or sister of the employee; and
  - e) a parent or grandparent of the employee.
- There is no minimum service requirement for entitlement to force majeure leave.
  - Force majeure leave may consist of one or more working days.
  - Where an employee is absent from work for only part of the day, this should still be counted as one day of force majeure leave.
  - A force majeure leave day is normally be the length of the day that the person is rostered to work on the day, e.g. if a person is rostered to work 9 hours on the day that they had to take force majeure leave this would be considered one day's force majeure leave. The same would also apply if the person was rostered to work for four hours on the day.

## PROTECTION OF EMPLOYMENT RIGHTS

An employee on force majeure leave is entitled to be treated as if s/he had not been absent so that all his/her employment rights will be unaffected during the leave. The employee receives the pay which would have applied on that day.

Absence from work on force majeure leave must not be treated as part of any other leave to which the employee is entitled (i.e. sick leave, annual leave, adoptive leave, maternity leave and parental leave).

## Carer's Leave

All employees are covered The Carer's Leave Act 2001, which entitles an employee to avail of temporary unpaid leave from their employment to enable them to personally provide full-time care and attention to a person who is need of such care, i.e. the relevant person.

The Carer's Leave Act has been amended under the Social Welfare and Pensions Act 2006 to provide for an increase in Carer's Leave entitlements to workers from 65 weeks to 104 weeks. A number of employees who are already on Carer's Leave from their employment under arrangements agreed with their employers. Such employees who wish to avail of the extended maximum entitlement should, however, return to work on the agreed date and re-apply for the balance.

**A person who is in need of full time care and attention has been defined by the Department of Social, Community and Family Affairs as being so disabled as to require:**

- Continuous supervision and frequent assistance throughout the day in connection with his/her normal personal needs, e.g. help to walk and get about, eat, drink, wash, bathe, dress etc.
- Continuous supervision in order to avoid danger to him/herself.

### ENTITLEMENT TO CARER'S LEAVE

**An employee must fulfil the following criteria before they are eligible to apply for Carer's Leave:**

- He/she must have completed at least 12 months continuous service with his/her current employer before the commencement of the leave
- The employee must intend to take the leave for the purpose of personally providing full-time care and attention for a person who is in need of such care for the duration of the leave.
- The person receiving full time care and attention must be objectively assessed and deemed to be in need of full time care by a deciding officer from the Department of Social, Community and Family Affairs.
- Only one employee may be on carer's leave in respect of any one relevant person, at any one time.
- An employee will generally not be permitted to be on Carer's Leave in respect of more than one relevant person at any one time. However, on one occasion only, an employee may commence leave in respect of a relevant person, while already on leave in respect of another relevant person, where the two relevant persons reside together.

### *Notification Requirements:*

An employee is required to give at least 6 weeks notice in writing of his/her intention to avail of Carer's Leave, except in emergency circumstances where it is not reasonably practicable to do so.

**A statement of notice must contain the following information:**

- The date on which the employee intends to commence the leave
- The duration of the leave The manner in which the employee proposes to take the leave
- A copy of the decision of the deciding officer (or appeals officer) from the Department of Social, Community and Family Affairs, confirming that the relevant person has been medically certified as being in need of full time care.
- The employee's signature and date.

## MANNER IN WHICH CARER'S LEAVE MAY BE TAKEN

**The Act provides that the leave should be taken in one of the following ways:**

- One continuous period of 104 weeks; or
- One of more periods, the total duration of which amounts to not more than 104 weeks.

**Where the employee wishes to take Carer's Leave over a number of broken periods the following conditions apply:**

- The minimum duration of one period is 13 weeks.
- An employer may refuse, on reasonable grounds, to allow his/her employee to take carer's leave for any period of less than 13 weeks.
- There must be a gap of at least 6 weeks between periods of carer's leave taken in respect of the same relevant person.
- An employer and employee may agree arrangements for carer's leave on terms more favourable to the employee.
- The Act requires an employee to notify his/her employer of any change of circumstances that affect his/her entitlement to Carer's Leave.

## TAKING CARER'S LEAVE FOR ANOTHER RELEVANT PERSON

An employee who wishes to avail of carer's leave for another relevant person must generally wait for a period of 6 months after the date of termination of the leave in respect of the previous relevant person.

## CONFIRMATION OF CARER'S LEAVE

A "confirmation document", (which outlines the date on which the leave period will commence and the duration of the leave period) must be prepared and signed by the employer and employee not less than 2 weeks before the leave is due to commence.

## REVOCATION OF NOTICE

If an employee wishes to revoke the notice of his/her intention to take Carer's Leave, he/she must do so in writing prior to the date of the confirmation document.

## ALTERATIONS TO THE CONFIRMATION DOCUMENT

An employer and an employee may agree, after the date of the confirmation document, to postpone or curtail the leave, or vary the form in which it will be taken. Confirmation document should be amended to reflect the changes.

## PROTECTION OF EMPLOYMENT RIGHTS

**During an absence on carer's leave, an employee is regarded as still working for all purposes relating to his/her employment, and all of his/her employment rights will be unaffected during the leave, with the following exceptions:**

- There is no right to remuneration and superannuation benefits.
- He/she will accrue annual leave and public holiday entitlements for the first 13 weeks of the leave only.
- A period of probation or an apprenticeship may be suspended during carer's leave.
- Periods of carer's leave cannot be treated as any other type of leave, e.g. sick leave, annual leave, adoptive leave, maternity leave, parental leave or force majeure leave.

Employers are precluded from penalising an employee for exercising his/her rights under the Act, which includes dismissal of the employee, unfair treatment of the employee (including selection for redundancy), and an unfavourable change in the conditions of employment of the employee.

## TERMINATION OF CARER'S LEAVE

**The Act provides that a period of Carer's Leave shall terminate as follows:**

- On the date specified in the confirmation document.
- On a date agreed between the employer and the employee.
- Where the person being cared for ceases to require full-time care and attention, e.g. where their condition improves sufficiently as to no longer render them to be in need of full time care and attention.
- Where an employee no longer satisfies the requirements for the provision of full time care and attention for the purposes of the Act.
- Where a deciding officer makes a decision against an employee.
- Where the relevant person dies during a period of Carer's Leave, the employee will return to work either six weeks after the death or the date specified on the confirmation document (whichever is earlier).

## RETURN TO WORK

An employee who is on Carer's Leave must notify his/her employer of his/her intention to return to work *not less than four weeks before the date on which that employee is due to return to work.*

An employee is entitled to return to work at the end of the Carer's Leave to the job that he/she had held immediately prior to the leave, under the same terms and conditions of employment. If it is not reasonably practicable for an employer to allow an employee to return to the job held immediately prior to the leave, the employer must offer the employee suitable alternative employment under a new contract of employment, the terms of which cannot be substantially less favourable to the employee.

## DISPUTES

An employee may refer a dispute in relation to an entitlement under the Carer's Leave Act 2001, or any matter arising out of such an entitlement, to a Rights Commissioner of the Labour Relations Commission for adjudication. These referrals must be made in writing within 6 months of the occurrence of the dispute.

Either party may appeal a decision by a Rights Commissioner to the Employment Appeals Tribunal.

An appeal is made by giving written notice to the Tribunal within 4 weeks of the date on which the Rights Commissioner's decision is notified to the prospective appellant. An extension of time to appeal of six weeks may be granted by the Tribunal, if it considers it reasonable to do so having regard to all the circumstances.

## CARER'S BENEFIT

An employee may be entitled to receive carer's benefit during carer's leave. Further details may be obtained by the employee from the Department of Social, Community and Family Affairs.

Carer's leave is unpaid however from the 1st of June an employee may work up to 15 hours per week while on Carer's Leave.

## Special Leave with Pay on Marriage

All employees may be allowed up to a maximum of five days' special leave with pay when they marry, provided the amount of special leave granted for this purpose together with the annual leave allowance in respect of the leave year in which the marriage takes place does not exceed a total of 24 days or hourly equivalent, (or where appropriate a pro-rata entitlement) excluding any annual leave carried over from the previous year.

*c.f. Department of Health Circular S116/48*

*& Department of Health and Children Circular dated 11 July 1997*



## Compassionate Leave

**Compassionate Leave may be granted to employees as follows:**

- Up to a maximum of three working days may be granted on the death of an immediate relative, or, in exceptional circumstances, on the death of a more distant relative (e.g. where the employee has to take charge of funeral arrangements or has lived in the same house as the deceased).
- An immediate relative means a father, mother, brother, sister, father-in-law, mother-in-law, child or spouse
- On the death of a spouse or child, the maximum number of days may be increased to five.
- Extra days may also be allowed where an immediate relative dies abroad and the employee has to go abroad to take charge of the funeral arrangements.

Where an employee has exhausted his/her annual leave allowance and is confronted with a serious or sudden illness of an immediate relative (or, in exceptional circumstances, a distant relative), special leave with pay up to a maximum of 3 days may be granted. In the case of a spouse or child, the maximum number of days may be increased to five.

## Jury Service

The Juries Act, 1976 provides that every citizen aged between 18 and 70 years who is entered in the Dail Electoral Register may be called for jury service, with the following exceptions:

**Certain professional categories are excused as of right, including:**

- Nurses;
- Dentists;
- Pharmacists; and
- Medical Practitioners

An employee who has served (or attended to serve) on a jury in the previous three years may be excused by the county registrar. A judge may also excuse a juror from service for a period of time.

Employers have a duty to allow employees to attend for jury service. However, if it is not possible due to service requirements to allow the employee to attend, s/he may be granted a certificate from the appropriate manager, stating that it would be contrary to the public interest for him/her to serve as a juror because s/he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.

An employee is treated as employed during any period s/he is complying with a jury summons. Thus, an employee is entitled to pay (basic plus any regular allowances e.g. long-term acting up and continuous location allowances) and continues to accrue entitlements to annual leave, incremental credit, etc. while on jury service.

# Career Breaks

**An employee can be granted a career break for any of the following reasons:**

- domestic reasons, e.g. child-rearing;
- educational purposes, e.g. to attain a post-graduate qualification; and
- foreign travel.

All employees who have completed their probation period are eligible to apply for a career break. Employees who are still on probation may be granted a career break in exceptional circumstances, e.g. to cope with unusual domestic difficulties, however their period of probation is extended by the length of the career break.

An employee's application may be refused where it is considered that the granting of a career break would have a detrimental effect on the service.

## GENERAL CONDITIONS

The minimum period for a career break is one year (except where leave is required to cope with unusual domestic difficulties) and the maximum period is five years. An employee may take a career break immediately following a period of special leave with nominal pay, provided the combined leave does not exceed five years.

## RETURN TO WORK

An employee is obliged to give at least three months' notice of his/her intention to return to work.

If on return to duty, a vacancy does not exist in the grade formerly held by the employee, he/she could be offered a lower graded post (with appropriate lower pay) pending the occurrence of a vacancy in the grade formerly held. If a suitable vacancy does not exist at the date of the termination of the career break an employee is guaranteed re-employment within twelve months, i.e. a unpaid period of up to 12 months could ensue upon termination of the date of the career break.

An employee may be assigned to a different location upon his/her return to work.

## SUPERANNUATION

Career break leave may be reckoned for superannuation purposes, subject to the following conditions:

**An employee must pay 18.625 per cent of the salary that s/he would normally receive if still at work. The 18.625 per cent comprises the following:**

- |  |       |
|--|-------|
| • Employee's main scheme contribution                              | 5%    |
| • Notional employer's main scheme contribution                     | 10%   |
| • Spouse's and Children's Contributory Pension                     | 1.5%  |
| • Notional employer's Spouse's and Children's Contributory Pension | 1.5%  |
| • Administration   | .625% |

Contributions are payable on a quarterly basis.

An employee is not entitled to claim tax relief on these contributions. Tax relief is only allowable on income from the employment to which the pension scheme relates and the employee is not in receipt of such income. A claim could be made on return to paid employment, but this would be subject to the Revenue limits.

In the event of an employee dying or retiring while serving in a lower grade, his/her superannuation entitlements will normally be based on the salary of the lower grade, except where averaging occurs.

#### **SOCIAL WELFARE BENEFITS**

Employees should be advised that they can continue to accrue an entitlement to social welfare benefits by paying voluntary contributions during their career break.

## Special Leave with Nominal Pay

**Employees with professional qualifications are entitled to apply for special leave to work with a recognised agency in any of the following:**

- a recognised underdeveloped country;
- a disaster/emergency region; and
- a developing country where the public health service is underdeveloped.

Short term absences may be considered in the case of disaster relief. Approval may be granted to absences of one year duration. Leave may be extended for a maximum period of three years under this scheme. No approvals should be made without the express prior approval of the Area Director of Human Resources.

An employee may extend the duration of his/her stay, up to a maximum of five years, by applying for additional leave under the Career Break scheme.

On completion of service abroad, individuals will be entitled to return to an equivalent post with the employing authority.

### **SUPERANNUATION**

During special leave, employees are paid a nominal amount per week to protect their superannuation rights.

Employees continue to be liable for contributions under the Local Government Superannuation Code and the Spouse's and Children's Pension Scheme. Contributions are based on pensionable remuneration immediately prior to the commencement of special leave and are adjusted in line with general pay increases.

### **INCREMENTAL CREDIT**

Incremental credit will be allowed where the duties of the foreign assignment are, broadly similar in nature to the usual duties in this country. One increment will be allowed in respect of each year covered by the period of special leave, subject to a maximum of three increments.

# Leave for Trade Union Representatives

## TIME OFF DURING WORK

Employee representatives may be granted time off with basic pay to undertake routine duties arising from their position.

Time off to attend union duties is at the discretion of the relevant line manager and is contingent upon service needs being met. Requests for such leave will not be unreasonably withheld. The Labour Relations Commission's Code of Practice should be used for guidance.,

## SPECIAL LEAVE WITH PAY

Special leave with pay may be granted to non full-time representatives to attend conferences/meetings who are duly authorised to attend such meetings.

The following time limits apply:

### *Association/Union Meetings*

Annual delegate conferences	2 days per annum
Special delegate conferences	1 day per annum
<sup>6</sup> Executive meetings	20 days per annum

### *Conference of the Irish Congress of Trade Unions*

Annual conferences and special delegate conferences	No Limit
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The grant of time off during work and special leave as outlined above should be extended to time necessarily spent travelling to and from the meeting in question. The granting of such leave is also subject to the representative's Department/Office's ability to release the representative, having regard, to the exigencies of official work.

In relation to special leave with pay, a representative will have to submit a written application for the leave to the appropriate manager, giving details of the purpose for which the leave is sought and other relevant information at least **two weeks** (except in exceptional circumstances) before the date on which the leave is due to commence.

*c.f. Department of Health & Children Circular S146/11*

<sup>6</sup> This excludes Branch Executive/Committee Meetings, and it also excludes meetings of sub-committees etc of the National Executive.

## OTHER TYPES OF LEAVE

Department of Health and Children Circular 10/71 provided for other leave for Officer grades as follows:

### CANDIDATE FOR INTERVIEW

An officer is granted a maximum of six days pay in any one year, to enable him/her to appear before selection boards for posts advertised by the Local Appointments Commission, the Civil Service Commission, a government department, the Health Service Executive, or a local authority.

*c.f. Department of Health & Children Circular 10/71*

#### Candidate for Interview

Candidate for Interview	Paid <b>Maximum of 6 days per year</b>
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### MINISTERIAL APPOINTMENT

When appointed by a Minister to be a member of any commission, committee or statutory board or a director of a company, a staff member will be granted special leave with pay to enable him/her to attend meetings of the body in question.

*c.f. Department of Health & Children Circular 10/71*

#### Ministerial Appointment

Commission/Committee/Director	Paid
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### SELECTION BOARD

When invited by the Local Appointments Commission, Civil Service Commission, a government department, the Health Service Executive or a local authority, to act on a selection board, a staff member will be granted special leave with pay to enable him to service on the board.

*c.f. Department of Health & Children Circular 10/71*

#### Selection Board

Panel of Assessors	Paid
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# Study Leave

Paid study leave may be allowed to permanent officers in respect of third level course examinations, subject to the directions regarding the grant of leave generally and provided the costs can be accommodated within your approved financial allocation:

## Officers

- (a) Officers pursuing, in their own time, primary degree courses may be allowed ten days study leave with pay for the entire period of the course.
  - (b) Officers should be given as much freedom as possible as regards spreading the leave over the various course examinations subject to the condition that a maximum limit of five days study leave with pay will apply to each academic year.
  - (c) The arrangement at (a) and (b) will also apply to other third-level courses of education which last for three years or longer. For shorter third-level courses, three days study leave with pay may be allowed for each year of the course, repeat years being excluded.
  - (d) Officers pursuing the following courses will be recognised as eligible for study leave:
    - (i) University course leading to the degrees of Bachelor or Masters of Arts or Commerce.
    - (ii) The course leading to the Diploma in Administrative Science and the one – year course in Public Administration provided by the Institute of Public Administration.
    - (iii) Courses in the following subjects:
      - Accountancy
      - Business Administration
      - Business Studies
      - Computer Science
      - Economics
      - General Management
      - Hospital Administration
      - Industrial Engineering (for Engineers)
      - Law (for BCL,BL, or Diploma in European Law Only)
      - Personnel Management
      - Public Administration
      - Secretaryship (Institute of Chartered Secretaries)
      - Sociology
      - Statistics
      - Systems Analysis
- Cf DOHC Circular 146/72

## NCHD's

NCHD's are entitled to a total of two weeks leave per six months prior to an examination or repeat examination for approved higher degrees or diplomas. The Hospital requires evidence both prior to and subsequent to sitting of the examinations. In certain circumstances where the NCHD can demonstrate a benefit to the Health Service to his/her clinical supervisor and the appropriate hospital manager, other courses will be considered on an individual basis.



## Reserve Defence Forces

For annual training with the Reserves Defence Forces, a staff member will be granted special leave with pay in the following manner:

**Attending annual or basic training:**

- For a course of annual training lasting 7 days – 3 working days
- For a course of annual training lasting 14 days – 7 working days
- For a course of annual training lasting 21 days – 10 working days
- For a course of basic training lasting 14 to 30 days – special leave with pay for 5 working days

**Attending special training (in addition to the above):**

- For a course of special training lasting 7 days – 3 working days
- For a course of special training lasting 14 days – 6 working days
- For a course of special training lasting 21 days – 9 working days

Special leave with pay in addition to the above may also be granted in respect of any time necessarily spent in travelling to and from a course of training.

If further leave is required to complete the training the employee may avail of special leave without pay or annual leave.

These provisions apply to all Health Service Executive staff, except those employed on a casual basis i.e. temporary staff who are expected to have their employment terminated before the end of six months.

*c.f. Department of Health & Children Circular S146/44*

**Reserve Defence Forces**

Training Reserve Defence Forces – with pay	Paid
Training Reserve Defence Forces – unpaid	Unpaid

# section 2

## After Hours Attendance

This chapter deals with the after hours attendance arrangements and payments for such which generally apply in the public health service. The after hours attendance regimes have been categorised as follows:

Additional Hours	Unsocial Hours
Overtime	Saturday Work
On-Call/Stand-by	Sunday Work
Planned Essential Services	Public Holiday
Home Births	Night Work
Sleep-over	Shift Work
	Twilight Work

Each of the sections listed above will detail the arrangements for the following categories of staff where appropriate:

- Medical
- Dental
- Nursing
- Clerical
- Paramedial
- Ambulance
- Support Staff

# Overtime

## GENERAL PRINCIPLE GOVERNING OVERTIME ARRANGEMENTS

The following general principle governs the grant of overtime:

*Employees may be paid overtime rates for hours worked in excess of the whole time hours for the category/grade.*

*With the exception of ambulance personnel overtime is paid on basic pay only.*

## OVERTIME FOR PART-TIME STAFF

Participants in the Flexible Working Scheme/Part-time staff are entitled to earn overtime payments when they have worked the standard weekly working hours of the whole time equivalent in the given week.

In certain circumstances where an employee works beyond the span of his/her shift in emergency and unforeseen circumstances they may earn overtime payments, even if they have not worked the hours of the whole time equivalents in their grade, i.e. they cannot be rostered for this overtime.

Part-time employees who work additional hours, i.e. hours over and above their contracted hours on a pre-arranged basis will be paid at the normal rates.

## OVERTIME RATES

Overtime rates may vary depending on the category or grade of staff involved.

### *Nursing*

**The following are the normal overtime rates applying to nursing:**

#### *Monday to Friday*

Time and a half for additional hours worked between finish of normal day duty and midnight.  
Double time for additional hours worked between midnight and the start of normal day duty.

#### *Saturday*

Time and a half for the first four additional hours worked and double time for the remainder.

#### *Sunday & Public Holidays*

Double time for all additional hours worked.

### *Support Staff*

**The following are the overtime rates applying to support staff:**

#### *Monday to Friday*

Time and a half for additional hours worked between finish of normal day duty and midnight.  
Double time for additional hours worked between midnight and the start of normal day duty.

#### *Saturday*

Time and a half from normal starting time to 12 midday and double time for the remainder.

#### *Sunday & Public Holidays*

Double time for all additional hours worked.

### *Ambulance Personnel*

The general overtime payment arrangements as set out above apply to Ambulance Personnel, however the hourly rate is calculated as follows:

#### **Basic + Cardiac allowance + Shift allowance**

Any Ambulance Personnel who are required to work on their rostered days off will receive double time for all hours worked.

### *Non-Consultant Hospital Doctors*

**The following overtime rates apply to NCHDs:**

<b>On-Site</b>	<b>Hours Worked</b>	<b>Rate</b>
Mon – Sat	1st 15 Hours	Time & Quarter
	Balance	Time & Half
Sunday	All Hours	Double Time
Public Holidays	All Hours	Double Time
On-call on-site is deemed to be overtime, and should be paid at the appropriate rate.		

Sunday work is any hours worked between midnight on Saturday and midnight on Sunday. Therefore NCHDs will receive double time for all hours worked between midnight on Saturday and midnight on Sunday.

### *Clerical/Administrative Grades*

**The following overtime payment arrangements apply to clerical/administrative and analogous grades:**

Grades whose maximum salary does not exceed that of Grade V (including Environmental Health Officers).

<b><i>Monday to Friday Attendance</i></b>	
First 3 hours in week	Time plus 1/4
Next 5 hours	Time plus 1/2
Thereafter	Double time
<b><i>Saturday attendance:</i></b>	
Rate payable when aggregate of hours worked in excess of the normal working week and hours worked on Saturday of the same week is less than 10 hours	<b>Time &amp; a half</b>
Rate payable when aggregate of hours worked in excess of the normal working week and hours worked on Saturday of the same week is more than 10 hours	<b>Double time</b>
<b><i>Sunday and public holiday attendance:</i></b>	<b>Double time</b>

Grades whose maximum salary does not exceed that of Grade VII.

***Monday to Friday Attendance***

First hour of week in excess of gross working hours	Free
Next 2 hours	Time and a quarter
Next 5 hours	Time and a half
Thereafter	Double time

***Saturday attendance:***

Rate payable when aggregate of hours worked in any continuous period of two weeks and hours worked on Saturday is less than 20 hours

**Time and a half**

Rate payable when aggregate of hours worked in any continuous period of two weeks and hours worked on Saturday is more than 20 hours

**Double time**

***Sunday and public holiday attendance:***

**Double time**

**Calculating hourly overtime rates:**

- (i) The hourly rate for grades III, IV and analogous grades should be calculated by reference to the officer's actual salary;
- (ii) The hourly rate for grade V and analogous grades should be calculated by reference to the officer's actual salary;
- (iii) In the case of officers whose salary equals or exceeds the second long service increment of the grade V scale, the hourly rate should be calculated by reference to the second long service increment of the grade V scale.

The hourly rate for grades VI, VII and analogous grades should be calculated by reference to whichever is the lesser of individual's salary or the second long service increment of the grade V salary scale.

***Craftworkers and Craftsmen's Mates***

**The following overtime payments apply to craft-workers and craftsmen's mates as per the 1997 Productivity Agreement:**

***Monday to Friday***

Time and a half for additional hours worked between finish of normal day duty and midnight.

Double time for additional hours worked between midnight and the start of normal day duty.

***Saturday***

Time and a half for normal starting time to 12 o'clock midday and double time for the remainder.

***Sunday and Public Holidays***

Double time from 12 o'clock noon Saturday to 12 o'clock midnight on Sunday and on public holidays (midnight to midnight).

### *Paramedics*

There is no national rule on overtime for Paramedics.

### *Environmental Health Officers*

EHO's may express an option for overtime payments or time in lieu of relevant tobacco control work outside 9am to 5pm, Monday to Friday. The overtime scheme and rates will correspond to those of the clerical/administrative Grade 5 details as follows: (Circular 20/2004)

First 3 hours in the week	Time plus a quarter
Next 5 hours	Time and a half
Thereafter	Double Time
Saturday (less than 10 hours)	Time and a half
Saturday (more than 10 hours)	Double Time
Sunday/Public Holiday	Double Time

### **TIME OFF IN LIEU**

Time off in lieu is at standard time, i.e. hour for hour.

## On-Call/Standby Allowance and Call-Out Payments

On-call/Stand-by is defined as a period when an employee is scheduled for a designated period to be available for emergency work. An employee on stand-by makes a specific commitment to be available immediately to return to work if requested.

### ON-CALL STAND-BY PAYMENT

A fixed payment is made for the designated period(s) for which the employees make themselves available, e.g. a weekly standby payment.

Call-out arises when employees return to work after their normal working hours. It is designed to cover emergency situations.

#### There are two Payment Systems for Call-Out:

1. On-call with Stand-by: where employees are in receipt of a stand-by fee.
2. On-call without Stand-by: there is no payment for being available but a higher fee per call-out is paid.

### CONSULTANTS

Description	On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
Consultants provide on-call on a rostered basis	Flat annual on-call allowance made for on-call liability + additional payment and additional rest days for 1:1, 1:2, 1:3 on-call rotas C/f Consolidated Salary Scales	Fixed payment per call-out for up to first 30 calls per week, higher fixed payment per call-out for 31-120 calls per week, and higher fixed payment per call-out for >120 calls per week, c/f Consolidated salary scales. Fixed payment for C' Factor, c/f Consolidated Salary scales	N/A

\*The annual call-out payment to Consultants should not exceed €12,638 (rate at the 1 April 2001)

Consultants with an on-call liability have an entitlement to avail of rest days on the following basis:

<u>Roster</u>	<u>Rest Day Entitlements</u>
1 : 1	5
1 : 2	3
1 : 3	2
1 : 4	1

Rest day entitlements = days in lieu per four week period

Consultants should make every effort to take rest days as soon as possible following the oncall liability to which they relate. Rest days may be accumulated for a maximum of six months from the earliest date of the on-call liability to which they relate (at that point they must be availed of or forfeited). Alternatively rest days may be accumulated for a maximum of three months from the earliest date of the on-call liability to which they relate. If it is not possible to avail of them at the end of the three month period the consultant may seek to be compensated for them at a rate equivalent to the daily rate for the category of post which s/he occupies.

Consultants who have accumulated historic rest days and have satisfied the conditions outlined in the 1998 Consultants Contract may avail of time off in lieu on the following basis:

Subject to an agreed entitlement to a minimum of 63 accumulated rest days and a maximum of 250 accumulated rest days, a consultant will be entitled to a minimum of three months and a maximum of 12 months time off. An agreed entitlement to accumulated rest days between 63 and 250 days will entitle a consultant to a pro-rata benefit, e.g. 125 rest days is equivalent to six months time off. This leave is to be taken immediately prior to the consultant's retirement date.

#### NCHDS

Description	On-call Payment Off Site	On-Call Payment On Site	Call-out Payment Without Standby
NCHDs provide on-call on a rostered basis both off site (at home) and on site (in the hospital).	Flat annual on-call allowance made for on-call liability + additional payment and additional rest days for 1:1, 1:2, 1:3 on-call rotas C/f Consolidated Salary Scales	From Monday to Saturday half of on-call off-site up to a maximum of 10 hours are paid at T+1/4, and the balance is paid at 1/2T  Additional payments for on-call on Sunday are as follows: On-call and frequently called upon 3/4 T, On-call and infrequently called upon, 0.6 T	N/A



## THEATRE NURSE

Description	On-call Payment Off Site	On-Call Payment With Standby	Call-out Payment Without Standby
After hours service provided as follows: Monday to Friday Saturday Standby Sunday and Public Holiday Standby	Standby fee – fixed standby fee from Monday to Friday.  Enhanced standby fee for Saturday, Sunday and Public Holidays, c/f Consolidated Salary Scales  On-call over weekend – where no roster duty available appropriate rate is divided by 12 then multiplied by the number of hours available (in this scenario time will not be given back in lieu)	Fee per operation 17.00 – 22.00- rate payable dependant on length of operation. Enhanced fee for operations after 22.00.  c/f Consolidated Salary Scales	Enhanced fee per operation, c/f Consolidated Salary Scales

## IT STAFF

Description	On-call Payment Off Site	Call-out Payment On Site	Call-out Payment Without Standby
After hours service provided as follows: — Monday to Friday — Saturday Standby — Sunday and Public Holidays	Weekly on-call allowance, i.e. the Beaumont Rate, C/f Consolidated Salary Scales	Overtime Payment or time off in lieu	N/A

\*No national standard

## PHYSIOTHERAPISTS

Description	*On-call Payment Off Site	Call-out Payment On Site	Call-out Payment Without Standby
After hours service provided as follows: — Monday to Friday — Saturday Standby — Sunday and Public Holidays	Standby fee – fixed standby fee from Monday to Friday. Enhanced standby fee for Saturday, Sundays and Public Holidays, c/f Consolidated salary scales	Fee per call (paid per half hour), c/f Consolidated salary scales	Enhanced fee per call (paid per hour), c/f Consolidated salary scales

\*A ceiling applies to the total amount on-call that a hospital should pay per week.

## RADIOGRAPHERS

Description	On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
<b>*Sessional Hospitals</b> Emergency On-call Duty applies from — 10.00 p.m. to 9.00 a.m. Monday to Friday — Per hour on Saturday — Per Hour on Sundays and Public Holidays — Fee per call/patient	Standby fee – fixed payment which varies according to day Standby is provided, c/f Consolidated salary scales Fee per call, c/f Consolidated salary scales	Fee per call, c/f Consolidated salary scales	N/A
<b>Non Sessional Hospitals</b> — 10.00 p.m. to 9.00 a.m. Monday to Friday — Per hour on Saturday — Per Hour on Sundays and Public Holidays	Standby fee – fixed payment which varies according to day Standby is provided, c/f Consolidated salary scales Fee per call, c/f Consolidated salary scales	Fee per call, c/f Consolidated salary scales	Enhanced fee per call (paid per call), c/f Consolidated salary scales
	N/A	N/A	Fixed Sessional Fee applies, c/f Consolidated salary scales

\* A ceiling applies to the total amount on-call that a hospital should pay per week.

## MEDICAL LABORATORY SCIENTISTS

Description	On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
<b>Sessional Hospitals</b> Standby provided: <ul style="list-style-type: none"> <li>— Midnight to 9.00 a.m. Monday to Friday</li> <li>— Saturday Standby</li> <li>— Sunday and Public Holiday Standby</li> </ul>	Standby fee – fixed payment which varies according to day Standby is provided, c/f Consolidated salary scales	Fee per call, c/f Consolidated salary scales	N/A
<b>Non-Sessional Hospitals – up to 5 Calls per week</b> After hours service <ul style="list-style-type: none"> <li>— Monday to Friday</li> <li>— Saturdays</li> <li>— Sundays and Public Holidays</li> </ul>	N/A	N/A	Fee per call in Hospitals, c/f Consolidated Salary
<b>Non-Sessional Hospitals – Up to 5 calls per week</b> Per call without standby <b>Over 5 Calls per week</b> Payment for up to 60 calls per wk per hospital Payment for over 60 calls per week per hospital Standby <ul style="list-style-type: none"> <li>— Monday to Friday</li> <li>— Saturdays</li> <li>— Sundays and Public Holidays</li> </ul>	Standby fee – fixed payment which varies according to day Standby is provided, c/f Consolidated salary scales	Payment for up to 60 calls per week per hospital and Payment for over 60 calls per week per hospital, c/f Consolidated salary scales	

## AMBULANCE

Description	On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
After hours service	Standby fee (1/6 of flat rate for each hour oncall)	Paid at appropriate overtime rate	N/A

NON NURSING-MAINTENANCE STAFF

Description	On-call Syandby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
After hours service	Weekly payments of 4 Hours flat rate for on-call. Public holidays 5 Hours on call minimum	Minimum of 3 Hours appropriate overtime rate	N/A

## Planned Essential Services

### PUBLIC HEALTH NURSE

<i>Description</i>	<i>Payment</i>
Essential weekend/Public Holiday Service	Fee per case
First call on Saturday and first call on Sunday	Fixed payment
Payment in lieu of time off for emergency work	Fixed payment
Each subsequent call on Saturday and Sunday	Fixed payment

## ‘Sleep-over’

### DEFINITION OF SLEEPOVER/SLEEP IN

‘Sleep over’/‘Sleep in’ applies where the provision of care occurs in a residential setting on a 24hour, 7 day per week basis. Staff are required to sleep over at their work location. Sleep over refers to a continuous period of 8 hours or more between the hours of 8pm and 8am, and is in addition to the normal contracted weekly working hours for the grade.

### PAYMENT SYSTEM

A fixed monetary amount is payable to staff specifically requested to provide a sleep over service.

# Unsocial Hours

As the health service operates seven days a week on a twenty-four hour basis, many categories of employees are required to work hours outside of the standard working hours, i.e. 9.00 a.m. – 5.00 p.m. Monday to Friday. These hours are worked as part of the contracted weekly working hours (e.g. 39 hours for nursing staff) and are described as “unsocial hours” and attract premium rates of pay.

**Set out below are the periods of time which usually attract premium payments:**

- Saturday Work
- Sunday Work
- Public Holidays
- Night Work
- Shift Work
- Twilight Hours.

In determining the appropriate premium payment, the rule normally applied in the health service is that the starting time of the roster determines the premium payment applicable to the hours worked c.f. Labour Court Recommendation 7254. Premium payments attach to basic hours only, they do not attach to hours worked on an overtime basis.

## SATURDAY WORK

Saturday work is normally defined as any roster commencing between midnight on Friday and midnight on Saturday. An employee who works a ‘5 over 7’ roster and is scheduled to work on Saturday is entitled to a Saturday allowance. This is a fixed amount and is payable irrespective of the number of hours worked.

Home helps who work less than 4 hours on a Saturday receive 50% of the Non-Officer Saturday allowance and those who work more than 4 hours receive the full allowance.

## SUNDAY WORK

Sunday work is normally defined as any roster which commences between midnight on Saturday and midnight on Sunday. An employee who works a ‘5 over 7’ roster and is scheduled to work on Sunday is entitled to single time extra for each hour worked.

There is an exception for NCHDs, for whom Sunday work is any hours worked between midnight on Saturday and midnight on Sunday.

## PUBLIC HOLIDAY

Public holiday work is normally defined as any roster which commences between midnight on the eve of the public holiday and midnight on the public holiday.

An employee who works a ‘5 over 7’ roster and is scheduled to work on a public holiday is entitled to single time extra for each hour worked.

Where the public holiday falls on a Saturday, the Saturday allowance is not payable for NCHDs. Public holiday work is any hours worked between midnight on the eve of the public holiday and midnight on the public holiday.

## NIGHT DUTY

Night duty, which is normally defined as hours worked between 8.00 p.m. and 8.00a.m., attracts a premium payment of T1/4. This premium is only payable to employees rostered for duty through the night, i.e. work at least 3 hours between midnight and 7.00 a.m. It does not include twilight shifts that extend into night duty hours (e.g. a roster from 4pm – midnight would not attract night duty premium).

### SHIFT WORK

Shift work occurs if employees or groups of employees work in rotation so that a function can operate beyond normal daily or weekly hours. It should be noted that where a shift premium is paid, Sunday Allowance is applied but Night Duty allowance and Twilight allowance do not apply.

### TWILIGHT HOURS/EVENING HOURS

Twilight hours are those hours between 6.00 p.m. and 8.00 p.m. or to the end of the roster. Nursing, non-nursing and child care staff are paid time and 1/6th for these hours where they are worked as part of an 8-hour shift. In the event of an employee working on a Sunday or Public Holiday, the above premium is paid on the basis of the basic salary of the employee and not on the basic plus unsocial hours allowance for that day.

*c.f. Department of Health and Children Circular 115/99*

### PAYMENT SYSTEM

<i>Day</i>	<i>Additional Payment</i>
Saturday	Cash allowance
Sunday	Single time extra for each hour worked
Public Holiday	Single time extra for each hour worked
Night Work	1/4 hours pay for each hour worked between 8pm and 8am
Shift Work	1/6 hours pay for each hour worked
Twilight Hours	1/6 hours pay for each hour worked between 6pm and 8pm (or to the end of the roster)





## section 3 Allowances

# Acting-Up

## GENERAL RULES

### **Acting up/substitute is defined as follows:**

A “substitute” means an officer appointed to act whole-time as substitute for another officer in a higher grade when that officer is on annual leave or special leave or, through sickness, absence or suspension or through being seconded for other duties is unable to perform the duties of his/her office. It also means an officer appointed to act in a higher grade pending the appointment thereto of a permanent holder.”

### **The general rules for remunerating officer grades who are acting in a higher post are as follows:**

- The minimum of the scale for the higher post; or,
- If little or no financial benefit would thereby ensue to the officers, they should be paid at the Acting-up allowance as laid out in the Consolidated Salary Scales for Officer Grades.
- The rate of remuneration of a substitute should in no case exceed the maximum of the higher office.
- Calculation of premium payment during periods of acting up should be calculated on the basis of basic pay plus the acting up allowance.

In general, employees must ‘act-up’ for one continuous calendar month before they become eligible for payment of the acting-up allowance. Once the employee has ‘acted-up’ for a calendar month, he/she should be paid for the whole period during which he/she has acted as substitute.

## EXCEPTIONS TO THE GENERAL RULES

### *General Nurses*

In the case of nurses up to and including the grade of CNM 2 the time period for ‘acting-up’ before becoming eligible for payment of the ‘acting-up’ allowance is one week. All other nursing grades, i.e. those grades above the CNM 2 grades, qualify after one continuous calendar month in line with other officer grades.

### *Psychiatric Nurses*

**The above rule does not apply to psychiatric nurses, however a fixed annual allowances is paid to psychiatric nurses who ‘act-up’ in the following capacities:**

- Psychiatric Staff Nurse acting-up at CNM2
- CNM1 and 2 acting-up as Assistant Director of Nursing
- Psychiatric Staff Nurse acting-up at CNM1
- CNM1 acting up at CNM2.

The value of this at any given time is outlined in the Consolidated Salary Scales.

### *Various Health Professions (Therapy Professions – Dietitians, Occupational Therapists, Physiotherapists, Speech and Language Therapists, Orthoptists, Chiropodists)*

Employees in the above listed grades who are required to act in a higher capacity in the grade immediately above their substantive grade are entitled to receive an annual fixed allowance.

### *Craft Grades*

Craft-workers required to act up temporarily in the next higher grade may move to the corresponding point on the new scale. There is no minimum time frame in which they must 'act-up' before becoming eligible for payment of the acting up allowance.

**If a craft-worker acts up temporarily in a grade two or more grades higher than his/her existing grade, he/she will receive either:**

The minimum point of the scale attaching to the grade in which he/she is 'acting-up, or 50% of the full differential rounded up to the nearest scale point whichever is the more favourable.

### *Other Non-Officer Grades*

An employee assigned on a temporary basis to the duties of a category with a higher rate of pay will be paid that rate of pay for the day in which he/she performs the higher category duties.

Employees required to act up in a category in a post which carries a higher pay scale will be paid on the corresponding point of the higher scale.

## Other Allowances

### LOCATION AND QUALIFICATION ALLOWANCES - NURSES

The above allowances may be paid to the following categories of nurses in the circumstances outlined:

- Staff Nurses
- Senior Staff Nurses
- Clinical Nurse Managers 1
- Clinical Nurse Managers 2 (including Theatre Nurses).

A nurse may only benefit from one or other of these allowances. Where a Nurse satisfies the criteria for entitlement to the Qualification and Location Allowances, they should receive the higher one of the two allowances.

Nurses who are paid on the dual qualified scale and who move to a qualifying location that attracts either the specialist qualification allowance or the location allowance are eligible for an abated value of the qualification/location allowance for the duration of their assignment to the qualifying location. The value of the abated allowance is contained in the Department of Health and Children Consolidated Salary Scales.

### LOCATION ALLOWANCE

The criteria for entitlement to payment of the Location Allowance in Acute Services is set out below:

- Employment in Accident and Emergency Departments;
- Employment in Theatre/O.R.;
- Employment in Intensive Care Units;
- Employment in Cancer/Oncology Units;
- Employment in Geriatric Units/Long-Stay Hospital or Units in County Homes.

Since 1 January 2004 the location allowance has been extended to nurses working in Care of the Elderly and Alzheimers Units in both Mental Health Services and Intellectual Disability Sector.

There the following locations have also been added:

- Units for Severe and Profoundly Handicapped in Mental Handicap Services\*;
- Acute Admission Units in Mental Health Services;
- Secure Units in Mental Health Services;
- Care of the Elderly (excluding Care of the Elderly Day Care Centres);
- Alzheimer's Units in both Mental Health Services and the Intellectual Disability Sector;
- Psycho-geriatric Wards;
- Elderly Mentally Infirm Units;
- Psychiatry of Later Life Services.

**\*Profoundly Handicapped in the Mental Health Services includes the following:**

- Employment in Units for Severe and Profoundly Handicapped in Mental Health Services\*;
- Employment in Acute Admissions Units in Mental Health Services;
- Employment in Secure Units in Mental Health Services.

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7 The allowance only applies to nurses in institutions where 75% or more of the residents fall into this category.

### SPECIALIST QUALIFICATION ALLOWANCE

A qualification allowance is payable to Nurses employed on duties in specialist areas directly related to the Category II courses by An Bord Altranais where they possess the relevant clinical qualification.

The employer must decide whether or not a Nurse is engaged in a specialist area on specialist duties.

A Nurse may benefit from only one of the qualification allowances at any one time.

Location and Qualification Allowances are reckonable for annual leave pay to staff who are assigned to a qualifying/location duties for a predetermined work period, which includes their annual leave.

Qualifications awarded by the English National Board (E.N.B.) may qualify for payment of a Qualification Allowance provided that the course is at least six months in duration and is deemed suitable by nurse management.

Pro-rata arrangements apply to job sharers and part-time staff.

Location and Qualification Allowances are discontinued when nurses move from qualifying areas or are promoted above CNM2 level.

### OTHER ARRANGEMENTS

#### *Public Health Nurses and Senior Public Health Nurses:*

A qualification allowance is payable to Public Health Nurses and Senior Public Health Nurses in respect of their Midwifery qualification.

# Higher Degree and Higher Diploma Allowances Payable to NCHDs

The qualifications listed below attract allowances. An NCHD will receive only one allowance in respect of qualifications held.

## 1. Higher Degree Allowances

F.F.A.R.C.S. (Anaesthetics – Part I,II and III – Part I or Part II ok for Reg Scale)

M.R.C.P.

M.D.

M.A.O.

M.R.C.O.G. (Membership of the Royal College of Obstetricians and Gynaecologists Parts I and II)

F.R.C.S.

M.Ch.

M.R.C.G.P.

M.R.C. (Psych.) (Psychiatry – Parts I and II – Part I ok for Reg Scale, Primary Membership)

Certificate of the American Board of Internal Medicine

Diploma in Psychological Medicine (awarded prior to February 1972)

M.Sc. in Social Medicine (University of London)

F.F.R.R.C.S. (Radiology)

F.D.S., R.C.S. (Fellowship in Dental Surgery – Royal College of Surgeons)

M.R.C. (Path) (Parts I and II Pathology –Part I ok for Reg Scale)

M.Sc. (Path)

M.Sc. in Biochemistry

Ph.D. (in an appropriate subject)

Ph.D. in aspects of Neonatal Metabolism.

Member of the Faculty of Community Medicine

M.Sc.

B.Sc. (Pharmacy)

B.Sc. (Microbiology hons)

M.Sc. Nuclear Medicine

M.Med. Sc. (Master of Medical Science)

Diploma of the American Board of Paediatrics

Degree of Master of Orthopedic Surgery (Uni. Liverpool)

Master of Public Health (M.Sc.) N.U.I.

B.Sc. Biochemistry (Hons)

Ph.D. Biochemistry

M.Sc. in Physiology

Master of Philosophy (Clinical Oncology-Bradford University)

Master of Surgery (M.S. Degree) University of Bombay

M.I.C.G.P. (Membership of Irish College of General Practitioners)

B.Sc. & B.Sc. in Chemistry, Marshall Univ., Virginia U.S.A

M.Sc. in Clinical Tropical Medicine, Univ. of London

M.Sc. in Clinical Nutrition (New York Institute of Technology)

## *2. Diploma Allowance*

Diploma in Anaesthetics  
Diploma in Child Health  
Diploma in Obstetrics  
Diploma in Obstetrics R.C.O.G.  
Diploma in Medical Radiotherapy  
Diploma in Medical Radio-Diagnosis  
Diploma in Public Health  
Diploma in Physical Medicine  
B.Sc. Degree in Pathology, Anatomy, Physiology,  
Pharmacology or Biochemistry  
BA Degree in Natural Sciences (which includes physiology)  
Diploma in Laryngology and Otology  
Diploma in Psychological Medicine (awarded after February 1972)  
Diploma in Tropical Medicine and Hygiene  
B.A. (mod) (Biochemistry)  
Diploma in Nuclear Medicine  
Diploma in Social Medicine  
Diploma in Ophthalmology  
Diploma in Respiratory Medicine (R.C.P.I. and R.C.S.I.)  
Diploma in Geriatric Medicine (R.C.P.I. U.K.)  
Degree in Dentistry  
Diploma in Thoracic Medicine (University of London)  
Diploma in immediate Medical care  
M.Sc. (Pharmacology) T.C.D.  
Diploma in Clinical Pathology (University of London)  
BS Degree in Medical Technology (Connecticut USA)  
Diploma in Sports Medicine (Trinity College)  
B.Sc. University of South Carolina  
BA (Hons) Psychology (UCD)  
B.Sc. (Hons) Melbourne University  
Diploma in Tropical Medicine (RCPI and RCSI)  
B.Sc. (UCD)  
Diploma in Clinical Psychiatry  
Diploma in Medicine of the Elderly (DME)



## Training Grants

### TRAINING GRANTS PAYABLE TO NCHDS

NCHDs are entitled to the following training grants:

Type of Grant	Applicable to	Amount
<b>CMEF</b>	Senior Registrar Specialist Registrar	_____ per annum
<b>Postgraduate &amp; Medical Dental Board</b>	Senior Registrar Specialist Registrar Registrar House Officer	_____ per annum
<b>Training Grant</b>	<sup>a</sup> All approved NCHD posts	_____ per 6 month period pro-rata

- Application Forms must be signed by the Consultant and the Medical Manpower Manager/Medical Administrator and be submitted and approved prior to the use of the grant.

#### The following guidelines apply to the Training Grant:

- This grant is no longer cumulative. This has been replaced with the agreement of the IMO to allow a maximum of €11,424 to accumulate per NCHD in the Training Grant. An individual NCHD's current Training Grant entitlement remains unchanged that is €1,904 per 6/12 period.
- On completion of registration for the examination/course/conference, receipts and evidence of attendance must be submitted with the appropriate previously endorsed Claim Form to the Medical Administration Department.
- The purchase of textbooks, journals and educational software is covered by the grant.
- €1904 of the training grant may be used to purchase a laptop computer. The laptop remains the property of the NCHD upon termination of his/her employment with the Hospital. This claim may not be made more than once in every three year period.
- All logbooks should be submitted by NCHD's to the appropriate person no later than June 1st and December 1st each year to be updated and validated.
- Only those on formal overseas rotation schemes may qualify for support from the Training Grant in respect of overseas Licensing Examinations.
- Travel and subsistence rates are paid as per the prevailing HSE regulations.
- On termination of your contract of employment a Balancing Statement (with Hospital Stamp) will be available for collection from the NCHDs current employer's Medical Administration Department. It is the responsibility of the NCHD to collect this form and present it to their next employer.

### TRAINING GRANTS PAYABLE TO CONSULTANTS

As part of the Revised Contract for Consultant Medical Staff agreed in 1997 consultants have access to a fund for continuing medical education which allows expenditure of up to €1269.74 per consultant per annum. Consultants may opt to have this sum aggregated over a number of years to allow attendance at a particular meeting, conference etc. Similarly, a consultant may apply for a grant in excess of €1269.74 in any one year in return for foregoing grants until the amount advanced is equalled by his aggregated entitlement. It is emphasised that this funding should not be used as a substitute for existing expenditure from training budgets or other sources but to support net additional activity.

<sup>8</sup> Specialist Registrars and those involved in higher training schemes who undertake a research component under supervision as part of their training are also entitled to payment of this grant.

### TRAINING GRANTS PAYABLE TO PUBLIC HEALTH DOCTORS

Public Health Doctors (PHDs) have access to a similar fund for continuing medical education which allows expenditure of up to €1500 per consultant per year. This rate is effective from the 1st of July 1999. Specialist Registrars who are involved in Public Health Training have access to a Continuing Medical Education allowance of €3,900 per annum effective from the 1st of July 1999.

### TRAINING AND EDUCATION – THERAPY GRADES

Physiotherapists, Occupational Therapists, Speech and Language Therapists and Dieticians who are in employments which cater for the clinical/practical training of undergraduate therapy students during their clinical placement are entitled to an annual allowance of €250 for professional educational development. The provisions related to the allowance are outlined in HSE HR Circular 004/2006. The allowance is to be calculated on a pro rata basis for part-time workers. Payments from 2006 onwards may be aggregated over a 3 year maximum period. Payments from the fund will follow application to the relevant line manager.

## Tool Allowance

A Tool Allowance is payable to Craftworkers who are covered by the Craft Analogue Agreement. This is a single annual payment made in December. The allowance is non-pensionable and is not payable while an employee is on long-term sick leave. Its current value is €888 per annum.

A pro rata payment is made to employees who work less than 1 year and to part-time workers.

## section 4

### Incremental Credit and Starting Pay on Promotion

# INCREMENTAL CREDIT

## INTRODUCTION

The first section deals with the general principles governing incremental credit for all staff.

The second section outlines the special provisions which apply to particular categories of employees.

## SECTION A - GENERAL PRINCIPLES

- Incremental credit is normally granted on appointment, in respect of previous experience in the Civil Service, local authorities, health service and other public service bodies and statutory agencies. This provision is not affected by a break in service.
- Annual increments are normally granted to employees, subject to satisfactory service.
- Increments are normally postponed in respect of leave without pay for a period exceeding 28 days (e.g. during special leave without pay for domestic reasons or during unpaid sick leave) or for the period a person is on a career break. However increments are not deferred during periods of unpaid parental leave, unpaid maternity leave and unpaid adoptive leave.
- Employees who have availed of the scheme relating to special leave with nominal pay in order to work in under-developed countries are entitled to incremental credit in respect of this period, provided the duties performed overseas are broadly similar to present duties. One increment is granted in respect of each year worked, up to a maximum of three increments (S146/30, 31-08-76).
- Starting pay on promotion is governed by Department of Health & Children Circular 10/71, which is generally by way of nearest point on the new scale, but not below existing pay, plus one increment. However the circular provides for a departure from this provision in certain circumstances.
- Temporary staff now enjoy the same incremental credit arrangements as their permanent counterparts.

## LONG SERVICE INCREMENTS

Where an employee has three years with his/her employer at the maximum of the scale they will then be placed on the first LSI point, the 2<sup>nd</sup> LSI after 3 years and the 3<sup>rd</sup> LSI after 3 years on the 2<sup>nd</sup> LSI.

## RELIEF AND PART-TIME STAFF

- Relief and part-time staff may also progress along the incremental salary scale on the same basis as outlined above upon completion of satisfactory service. One year's service for relief and part-time staff equals 52 weeks' reckonable service. A reckonable week is defined as any week in which 8 hours or more are worked. These 52 weeks do not necessarily have to be consecutive weeks.

## PARTICIPANTS IN THE FLEXIBLE WORKING SCHEME

In general participants in the flexible working scheme may now progress along the incremental salary scale (and achieve the LSI) on the same basis as permanent whole-time equivalent staff upon completion of satisfactory service. As outlined above one year's service for a part-time worker will be calculated as completion of 52 weeks' reckonable service. A reckonable week is defined as any week in which 8 hours or more are worked. These 52 weeks do not necessarily have to be consecutive weeks.

**Note:** Participants in the Flexible Working Scheme may be placed on the LSI on completion of the required years service.

## SECTION B – SPECIAL ARRANGEMENTS - NURSES

### *Incremental Credit on Appointment*

Full incremental credit may be granted on appointment in respect of all previous genuine<sup>9</sup> nursing experience in Ireland and abroad.

*This provision was agreed with the Nursing Alliance on 3rd November 1998 and took effect from that date. Prior to this agreement, incremental credit on appointment could only be granted in respect of previous nursing experience in the public health service and designated private hospitals.*

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<sup>9</sup> Weeks in which 8 hours or more are worked

**Nurses will be required to satisfy the following validation criteria:**

1. Letter from previous Irish employer confirming service and relevant salary point.
2. Statement of employment details from foreign employers.
3. Up to date C.V.

### *Post Registration Courses*

Incremental credit may be granted to nurses undertaking approved courses (since 1989) on a full-time basis, up to a maximum of two increments, provided the employee obtains the qualification within a reasonable period of time.

**Note:** This provision only applies once during a nurse's career, irrespective of the number of full-time courses s/he undertakes.

### *Changing Disciplines*

An employee is entitled to incremental credit in respect of previous service in another nursing discipline. For example, a psychiatric nurse who transfers to general nursing is entitled to incremental credit in respect of service as a psychiatric nurse.

### **CLERICAL/ADMINISTRATIVE GRADES**

Clerical and administrative grades are entitled to incremental credit on the same basis as set out above under "General Principles". In this context, 'previous relevant experience' refers to previous service in a similar grade in the Civil Service, Local Authority Service, Health Service and other public service bodies and statutory agencies, in Ireland or abroad.

### **NON-CONSULTANT HOSPITAL DOCTORS**

**Incremental credit is granted in respect of previous experience in Irish hospitals.**

**Incremental credit is not granted in respect of:**

- service as a locum general practitioner;
- service with the Blood Transfusion Board.

### *Third Level*

**Incremental credit is granted in respect of time spent:**

- gaining a B.Sc. degree in Pathology, Anatomy or Physiology;
- gaining a post-graduate qualification while actively engaged in hospital work;
- working as a junior lecturer in anatomy;
- working as a University Demonstrator on completion of internship.

### *House Officer Salary Scale*

A non-consultant hospital doctor who takes up appointment as a House Officer, having previously held a Registrar post, is placed on the equivalent point of the House Officer scale, e.g. the 1st point on the Registrar scale is equivalent to the 5th point on the House Officer scale.

### *Service Abroad*

Incremental credit is granted in respect of previous experience obtained in recognised foreign hospitals.

### *Vocational Training Schemes*

Periods spent in vocational training schemes for general practice are reckonable for the purpose of incremental credit.

### *Locums*

Incremental credit is granted in respect of previous recognised hospital experience.

### THERAPY GRADES

Full incremental credit is granted to therapy grades for previous professional experience (both in the private and public sector), at home and subject to certification, abroad. This arises from the recommendations of the **Report of the Expert Group on Various Health Professions** (2000).

### DENTISTS

Full incremental credit is granted in respect of all post-graduate experience both in the public and the private sectors on appointment.

As part of the 1999 agreement on the restructuring of health board dental services to enhance service it was agreed that General Dental Surgeons would be permitted entry to the salary scale from the fourth point upwards in order to address recruitment and retention issues.

### DENTAL SURGERY ASSISTANTS

Full incremental credit is granted to Dental Surgery Assistants for appropriate experience in the private sector from 1/9/98. Such credit can only be accrued from the date the national certificate for dental surgery assistants (UK) or equivalent is awarded.

### CHILDCARE WORKERS

A Childcare Worker may not proceed beyond the ninth point of the salary scale until s/he has obtained the appropriate childcare qualification.

### ASSISTANT HOUSE PARENTS (INTELLECTUAL DISABILITY SERVICES)

An Assistant House Parent in the Intellectual Disability Service may not proceed beyond the seventh point of the salary scale until s/he has obtained the appropriate professional qualification.

### PHARMACISTS

On permanent appointment, an employee is entitled to full incremental credit in respect of previous recognised service.

In light of current recruitment difficulties in recruiting pharmacists, entry up to the sixth point on the salary scale is permissible.

### PHARMACEUTICAL TECHNICIANS

Incremental credit may be granted in respect of previous service in both the public and private experience

### ASSISTANT TECHNICAL SERVICES OFFICER

**Incremental credit is granted in respect of relevant post-graduate experience as follows:**

- to qualify, an employee must have in excess of five years' experience on the date of his/her appointment;
- the qualifying period is not recognised for the purpose of awarding increments; an additional increment is awarded for each year worked thereafter.
- The Technical Services Officer must confirm, in writing, that the employee's post-graduate experience is relevant to the current post.
- The above arrangement does not apply where:
  - an employee is in receipt of a substitution allowance;
  - an existing permanent officer is appointed to the post.

#### SENIOR ASSISTANT TECHNICAL SERVICES OFFICER

**Incremental credit is granted in respect of relevant post-graduate experience as follows:**

- to qualify, an employee must have in excess of eight years experience on the date of his/her appointment.
- the qualifying period is not recognised for the purpose of awarding increments; an additional increment is awarded for each year worked thereafter.
- The Technical Services Officer must confirm, in writing, that the employee's post-graduate experience is relevant to the current post.

**The above arrangement does not apply where:**

- the employee is in receipt of a substitution allowance;
- an existing permanent officer is appointed to the post.



## Starting Pay on Promotion

### Starting Pay and Promotion Rules are governed by the following provisions:

- (i) Where the same salary scale applies to the officer's existing office and the office to which he is being newly appointed, he/she shall remain on the same point of the scale and may retain his/her incremental date.
- (ii) Where the minimum of the new salary scale is greater than existing pay by an amount greater than one increment on the new scale, the officer shall enter the new scale at the minimum – the date of promotion to be the new incremental date.
- (iii) Where the minimum of the new salary scale is greater than existing pay by an amount equal to one increment on the new scale, the officer shall enter the new scale at the minimum – he/she may retain his/her incremental date if may.
- (iv) Where the minimum of the new salary scale is greater than existing pay by an amount less than one increment on the new scale, the officer may enter the new scale at the minimum plus one increment the date of promotion shall be the new incremental date.
- (v) Subject to subparagraph (i) above, where the minimum of the new salary scale is equal to existing pay, the officer may enter the new scale at the minimum plus one increment – he/she may retain his existing incremental date, if any.
- (vi) Subject to sub-paragraph (i) above, where the minimum of the new scale is less than existing pay, the officer may enter the new scale at the point nearest but not below existing pay plus one increment, and a) where the point of entry on the new scale is equal to existing pay, he/she may retain his/her incremental date, if any, b) in any other case, the date of promotion shall be the new incremental date.
- (vii) Where an officer to whom sub-paragraph (ii) (in cases only where the minimum of the new scale exceeds existing pay by an amount less than two increments in the new scale), (iii), (iv), (v) or (vi) above applies, has been on a fixed salary or on the maximum of his/her existing salary for at least three years at the date of his/her promotion or new appointment, he/she may enter the new scale in accordance with the appropriate provision and with a further additional increment, but in that case, the date of promotion or new appointment will be the officer's new incremental date.
- (viii) Where after a person has been promoted, and his/her salary has been determined in accordance with sub-paragraphs (i) to (vii) above, the salary or salary scale applicable to either the officer's former office or his new office, or both, is revised with effect from a date which is earlier than the date of the promotion, the commencing salary shall, subject to sub-paragraphs (ix) and (x) below, be redetermined in accordance with these rules and by reference to the revised salaries or salary scales.
- (ix) Where, in a case to which sub-paragraph (viii) applies, the salaries or salary scales of both the officer's former office and his new office are revised with effect from different dates not more than six months apart, but only one of the revisions is made effective from a date which is earlier than the date of the promotion or new appointment, the commencing salary shall, subject to sub-paragraph (x), be redetermined as if both revisions had been effective on the date of promotion.
- (x) Nothing in sub-paragraphs (i) to (ix) shall be applied so as to enable an officer to have a salary in excess of the maximum salary for the office to which he is promoted or newly appointed.

### NURSES

The normal pay on promotion rules as outlined above apply to nurses, except in circumstances where the nurse might be financially disadvantaged on promotion due to loss of their qualification or location allowance eg: when promoted from CNM1 to CNM2 In these cases the mark-time scheme as outlined below would apply.

#### Mark – time Scheme<sup>10</sup>

Mark – time is a term used to describe a situation where a nurse is allowed to retain his/her basic salary including pensionable allowances for a period following promotion. It denotes a notional salary and protects against a loss in basic salary on promotion.

<sup>10</sup> As a result of LRC Rec. 18462 which dealt with a claim by the Nursing Alliance for the specialist qualification allowance to be extended to nursing grades above CNM2 the issue of pay on promotion for nurses above CNM II is to be re-examined.

Mark – time will apply in a situation where a nurse will be financially disadvantaged on promotion under the existing pay on promotion arrangements (nearest point plus one).

This scheme will not apply in a situation where a nurse is required to act up in a higher post.

Mark – time will cease when under normal incremental arrangements the loss incurred under the initial assimilation is equalled or eroded.

#### **Principles of Mark-Time Scheme**

- Nurses must be an existing beneficiary of either a location/qualification and/or red circle allowance for a minimum period of one year at time of promotion i.e. nearest point plus one.

#### **Methodology Mark-Time Scheme**

- Where a nurse is in receipt of either of the above allowances for a period of no less than one year, starting pay is calculated in accordance with the normal rules, exclusive of the allowance.
- Where a loss in basic earnings occurs under normal pay on promotion arrangements a nurse may retain existing pay plus the allowances on a mark – time basis until such time under normal pay on promotion arrangements the loss is eroded.
- Mark –time will cease when the value of the increments on the higher scale are equal to or greater than the notional salary. The value of the increments at the higher scale will be considered on the nurse's normal incremental date under normal pay on promotion arrangements.
- Mark – time pay attracts only general pay increases – it does not attract special increases and a nurse will not receive an increment outside of the provisions of the preceding paragraph.

In no case may a nurse's pay (on a mark – time basis) exceed the maximum of the higher scale.

#### **PSYCHIATRIC NURSES**

Psychiatric nurses who are promoted from staff nurse to CNM I or from CNM I to CNM II have the difference between the maximum of the current scale and the scale to which the nurse is being promoted added to their existing salary before they are assimilated onto the new scale using the pay on promotion rules outlined in Circular 10/71.

*c.f. Department of Health and Children circular s100/94 issued 11 August 1969.*

#### **Therapy Grades**

The Expert Group on Various Health Professions recommended a change in the rules governing starting pay on promotion in relation to Therapy Professions listed in the Report. These specifically include Dietitians, Occupational Therapists, Physiotherapists and Speech and Language Therapists and also to Orthoptists and Chiropodists. A set differential is in place which supercedes the instructions on starting pay and promotion as outlined in Circular 10/71.

*c.f. Department of Health and Children circular s 152/2000 issued 18 December 2000.*

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