

## Agreement on Flexible Working in the Health Service

### Introduction

1. The aim of this process is to ensure that formal arrangements are put in place to introduce pensionable part-time or atypical working in a structured manner while minimising the development of separate administrative and employment practices. The principle objectives are to facilitate the retention and recruitment of staff and the maintenance of the workforce at the levels required to deliver and develop services into the future while seeking to meet the aspirations of staff to access working hours suited to their individual circumstances. The functioning of these arrangements are subject to the over-riding requirement that there would be no adverse impact on the capacity of health service employers to meet their operational requirements.
2. Within the health service there are a variety of service areas to which atypical working arrangements could be applied. Implementation of permanent and pensionable part-time working arrangements is designed to facilitate the delivery of services in the most efficient manner while simultaneously affording the individual employees involved access to occupational pension schemes which has previously not been available.
3. Individual members of staff may apply to work on a permanent part-time basis involving working hours of between a minimum of an average of 8 hours per week and a maximum of 39 hours per week (depending on the whole-time hours for the particular grade involved).
4. It is open to all grades of staff to apply for such atypical working hours.

### Applications

5. Every application will be considered on its own merits and within the context of the employment concerned. Consideration of such applications will involve ;
  - a) An assessment by the appropriate manager as to whether the applicant can be facilitated having regard to patterns of work within the organization.and
  - b) An assessment by the appropriate manager of the capacity of the unit/service to maintain required operational levels having regard to overall staffing requirements

6. The objective of these arrangements is maximizing the number of hours available to the health service while, at the same time, recognizing and seeking to accommodate the personal and social requirements of health service employees.
7. It is agreed that the introduction of these arrangements will not lead to a diminution in the level of service available to the public and that, while all applications will be given equal consideration, the overall level of hours available must not fall below the threshold of hours available to the department or unit involved at 1<sup>st</sup> January 2001. This reference is to the totality of hours available rather than a 'complement' of staff.  
It is agreed that every effort will be made to fill vacancies arising from the operation of flexible working or otherwise in existence. In particular, special regard will be had to ensure that such vacancies in promotional posts will be identified and filled.
8. It is agreed in principle that 'term-time' working arrangements will be introduced on a trial basis in the health service in respect of summer 2001. Details of the exact operation of these arrangements and the locations involved, which will be selected to avoid any adverse impact on patient care will be discussed and agreed as soon as possible. In general, it is considered that the introduction of flexible working arrangements encompasses a facility to consider applications from individual staff who require a prolonged period of absence from work during the course of a year.

#### Revised working hours

9. Permanent wholetime and job-sharing staff may apply to work a revised pattern of hours. For example, an individual currently working on a job-sharing basis may apply to work, say, 25 hours or 30 hours per week or another variation of hours. Similarly, in accordance with the criteria outlined above, wholetime staff may apply to reduce their working hours to, say, 25 hours or 30 hours per week.
10. Where such staff are members of the pension schemes applicable in their employment they will continue in membership of such schemes. Pensionable service will be reckonable on the basis of the contracted hours worked. For example 1 year on a half-time/job-sharing basis counts as .5 of a year for pension purposes, 1 year with a 75% time commitment counts as .75 of a year for pension purposes.
11. Where individuals currently employed on a wholetime basis are granted reduced working hours they will retain a right to return to wholetime working subject to the availability of such hours in their grade with their employer.

12. Staff may be recruited to fill vacancies on a part-time permanent and pensionable basis in circumstances where the option of filling the position from among existing staff has been fully explored. Such recruitment will have regard to any arrangements or collective agreements particular to recruitment of the grade involved and should be in accordance with agreed procedures that may exist with the relevant unions from time to time relating to the terms and conditions of employment particular to the grade involved.
13. Each employer reserves the right, in exceptional circumstances, to require individuals participating in the flexible working arrangements to resume duty temporarily or otherwise on a full-time basis as is provided for in the existing job-sharing scheme.
14. Staff working reduced hours under the flexible arrangements are eligible for promotion on the same basis as full-time staff. However, an offer of promotion may be conditional upon the individual involved undertaking to revert to working on a full-time basis. Such cases will be considered on their individual merits.
15. An assessment of the impact of the arrangements within the service, including the issues of the balance to be struck between ensuring continuity of operations and availability of flexible and family friendly working arrangements will be conducted following the first full year of operation of the arrangements.

#### Permanent Part - time Working Arrangements

16. Minimum attendance of an average of, 8 paid hours during each PRSI week.
17. It is not necessary that a person attend each week but in calculating the cumulative hours of attendance on an annual basis each part - time contract must have an agreed attendance of a minimum of 417.4 hours paid attendance in a year.

A key issue in terms of attendance patterns is ensuring compliance with statutory PRSI requirements and for effective tracking in this area. However, as pro-rata payment is made in respect of each work period (regardless of whether it is a period with full or partial attendance) then, the PRSI reference period issue should not arise.

The payment system utilized in respect of such employees will provide for payment of salary on a pro-rata basis over the year involved in accordance with organisational pay frequency.

18. In association with the introduction of flexible working arrangements, current part-time staff and temporary staff who have been employed for over one year under a potentially renewable contract of employment of an average of 8 hours per week or over will be afforded the option of membership of occupational pension schemes. Details of the specific arrangements in this regard are the subject of a separate agreement.

#### Conditions of Service

19. The conditions of service which will apply to permanent part - time staff are set out below. Except where otherwise stated or provided for in collective agreements, statutory provisions and European Union law part - time staff will, broadly speaking, have pro rata parity with their full time colleagues in their place of employment.

Subject to entitlements arising from collective agreements, statutory provisions or European Union law part - time staff will be paid on a pro rata basis. The pro - rata calculation will be made by reference to the contracted hours of attendance in relation to the whole-time norm for the grade.

20. For incremental purposes the scale of pay applicable to part - time staff will be a scale each part of which is pro - rata the contracted hours vis-à-vis the point on a scale of pay appropriate to full time staff. Increments to permanent part - time staff will be granted subject to the normal rules governing the granting of increments.
21. A member of staff taking up whole - time employment following a period of part -time service should be assimilated onto the full time scale by reference to his or her previous service i.e. on a point for point basis.

#### Leave

22. The annual leave allowance of part - time staff will be adjusted pro-rata to their contracted hours in relation to the norm for whole-time staff and to the normal provisions governing the granting of annual leave. Where the minimum leave provisions of the Organisation of Working Time Act, 1997 are relevant they should be applied.
23. Public holiday entitlement will be in accordance with the Organisation of Working Time Act and any relevant collective agreement.

Statutory leave entitlements (maternity leave etc) will be retained. The sick leave provisions will be adjusted pro-rata to the individuals agreed attendance regime, subject to the normal provisions governing the granting of sick leave.

#### Superannuation for current non-pensionable part-time staff

24. Pending finalisation of the Report of the Commission on Public Service Pensions and the Government's decisions thereon, superannuation arrangements will be such as to yield an overall pension which is consistent with that of an equivalent full-time employee. In the case of employees who do not pay PRSI at a modified rate, this will involve the full co-ordination of actual pensionable remuneration with social welfare (contributory) old age pension.

Pending finalisation of the Commission Report and the Government's decisions thereon pension contributions will be deducted on a pro-rata basis, as an interim measure. This method of deduction is without prejudice to the ultimate overall policy decision in relation to the application of co-ordination to part – time workers.

Staff newly appointed to permanent part-time positions under these arrangements will be required to become members of the relevant Superannuation Scheme upon appointment.

Existing arrangements in relation to superannuation terms of currently employed non-officer grades, agreed in 1996, including provision for ex-gratia benefits, will continue to apply until such time as revised arrangements are negotiated and agreed.

#### Additional Hours

25. With effect from the introduction of permanent part – time working, part – time staff who are requested to work additional hours above their contracted hours but not exceeding the working hours of their full time comparators will be given additional payment at their normal rate of pay or time off in lieu. Where there is any question of additional hours being required on a regular basis, the contracted hours of attendance should be reviewed and a revised arrangement providing for an enhanced level of contracted hours on a permanent and pensionable basis agreed.

#### Overtime

26. Notwithstanding the provisions of para.25 above, it is recognized that in limited or exceptional circumstances it may be necessary for an employer to require staff who have availed of flexible working arrangements to undertake additional hours work on an overtime basis. Such limited circumstances are as set out in Appendix 1, attached.

#### Effective Date

27. Staff currently working on a job-sharing basis or whole time basis may apply for revised working hours with effect from 1<sup>st</sup> January 2001 and where such revised working hours can be implemented without a diminution in overall hours available ,as set out above, the revised arrangements may be introduced with effect from 1<sup>st</sup> February 2001.

## Appendix 1

### **Circumstances within which payment at overtime rates in respect of additional hours worked will be applicable upon introduction of flexible working arrangements**

It is recognised that in limited or exceptional circumstances it may be necessary for an employer to require staff who have availed of flexible working arrangements to undertake additional hours work on an overtime basis. Such circumstances would only arise in a situation where full-time staff are required by their employer to work overtime and only where a fulltime member of staff working the same additional hours/shift would be paid at overtime rates.

Any members of staff working reduced hours who are required by their employer to work additional hours within the span of the roster applicable in their department/unit should be remunerated at the rates applicable to their full-time colleagues ie; flat-time.- other than when hours in excess of the full-time daily hours for the grade are worked.

In circumstances where a member of staff working reduced hours is required to work a full additional shift within their department/unit and is then required to work further hours, the hours outside the span of the shift would be payable at overtime rates.

This issue should arise in the following circumstances only

- (a) where the additional hours involved are hours which, if additional hours worked by full-time staff, would attract payment at overtime rates  
and
- (b) where the additional hours involved are outside the span of the shift/roster and a full shift has been worked

The following are some examples;

An **employee working reduced hours** in a department/unit with a 3 or 4 shift cycle would only be eligible for overtime payment were she to work a full normal shift and was then requested to work additional hours outside the span of the shift.

A **member of staff working mornings only (8am-1pm)** in a department/ unit where the normal shift is 8am -4pm would be paid at flat time if requested by their employer to work from 1pm -4pm. If asked to work from 1pm to 6pm (having started at 8am) the hours from 4pm -6pm would attract payment at overtime rates. (This would apply whether or not the individual had actually worked the hours 1pm- 4pm).

A person commencing at 2pm would only be eligible for payment at overtime rate if requested to work additional hours having already fulfilled a full shift (8hours in this case) in the department/unit

Similarly, if requested to work an additional shift in the normal roster he/she would be paid at the rate applicable to others working that shift.

In circumstances where a 'long-day' (12hour) shift applies payment would be at flat-time in respect of any additional hours worked within the span of the shift

**A member of staff working week on / week off** would be eligible for payment at overtime rate if requested by their employer to work on their rostered days off ie to work in excess of the full-time hours for the grade. They would be eligible for payment at flat-time if requested by their employer to work their usual hours or a normal shift within the department/unit during their rostered week off.

**A member of staff employed on a locum basis** would only be eligible for payment at overtime rates in circumstances where the individual whom they are replacing and his/her full-time colleagues would be so entitled.

These arrangements are without prejudice to collective agreements or arrangements agreed locally which may provide for alternative arrangements such as time back on rosters or time-off in lieu.

Arrangements will be put in place to carefully monitor any circumstances arising within which overtime working is required of any individual on a regular basis.. Should such circumstances arise it is agreed that the appropriate approach would be to provide for an enhanced hours contract on a permanent and pensionable basis.