



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna  
Feidhmeannacht na Seirbhíse Sláinte  
Ospidéal Dr. Steevens'  
Baile Átha Cliath 8

Office of the National Director of Human Resources  
Health Service Executive  
Dr. Steevens' Hospital  
Dublin 8

**HSE HR Circular 005/2015**

**5<sup>th</sup> March 2015**

**To:** Each Member of the Directorate and Leadership Team HSE  
Each Hospital Group CEO  
Each Chief Officer, CHO  
Each Assistant National Director, HR  
Each CEO Section 38 Agency  
Each HR Lead Section 38 Agency

**FROM:** Ian Tegerdine, Interim National Director of HR

**DATE:** 5<sup>th</sup> March 2015

**RE:** New entrant salary scale and agreement re assimilation for those returning having previously worked in another EU Member States Public Service

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I refer to recent judgement of the EU Commission concerning application of the pre-1st January 2011 pay scales to workers who took up positions in the HSE on the 10% reduced scales. The judgement is on the basis that the workers had previous public service experience in the UK prior to 2011.

Department of Health Circular 2/2011, reflecting the definition of a public service body in the Financial Emergency Measures in the Public Interest Acts, previously limited recognition of previous service for the purpose of being placed on the pre-1st January 2011 scales, to Irish public service bodies. Arising from the EU judgement, comparable employment in other EU member states must be similarly recognised.

Heretofore, the EU Commission has concluded that the service in question entitles the workers to placement on the pre-1st January 2011 pay scales, citing established EU case law. The Department of Public Expenditure and Reform has now confirmed that in determining the appropriate pay scale, the workers in question should be treated as if the time spent working in the UK public service prior to 1st January 2011, had been time worked in a public service body within the State.

In circumstances where appointments have been made following a centrally conducted process, HSE National Recruitment Services(NRS) will identify individuals who satisfy the necessary requirements and notify relevant employers of same.

In all other situations, employers are required to undertake a detailed review of any appointments made since 1st January 2011, to determine if any individual satisfies the requirements that now arise as a result of the EU Commission Judgement, i.e. have worked in another EU country prior to 1st Jan 2011, where such Irish service would have resulted in entitlement to be placed on pre 1st Jan 2011 scales. Where an individual meets the requirements set out in the EU Commission's judgement, their pay rate now needs to be appropriately adjusted and backdated to date of commencement of employment.

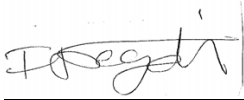
The HSE also require from all agencies, an estimate of the overall number of nurses and other health service personnel entitled to be placed on a higher point of the now merged pay scales and the overall cost

arising from this adjustment. This information to be provided by email to [john.delamere@hse.ie](mailto:john.delamere@hse.ie) at your earliest convenience.

It is noted that the merging of the pay scales pursuant to the Haddington Road Agreement should mean that the situation will not arise in the future. It is also noted that the Attorney General's advices state that the Commission's ruling does not have any bearing on the Single Pension Scheme.

Any queries in relation to this correspondence should be addressed by email to Mr. John Delamere, Assistant National Director, Head of HSE Corporate Employee Relations, email to [john.delamere@hse.ie](mailto:john.delamere@hse.ie)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'I. Tegerdine', is enclosed within a rectangular box. The signature is written in a cursive style.

**Ian Tegerdine**  
**Interim National Director of Human Resources**