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Resource

independent employee relations services

- Dispute Resolution
- Negotiations
- Training & Development
- Pay & Conditions
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Determination

Relating to the

Assimilation of

Night Superintendents



October 14th 2003

Background

An Adjudication Report that issued on the 18th December 2002 found that the Assistant Director of Nursing Scale should be applied to the new Night Superintendent from November 8th 2001.

Subsequently, the implementation of the Adjudication Report was referred to the Labour relations Commission. By letter dated the 15th July 2003 the Industrial Relations Officer, Ms. Susanne Brennan, made proposals in order to resolve the issues in dispute.

The proposal related to the implementation of the Adjudicator's report of the 18th December 2002 concerning the Night Superintendent post. As part of the proposals the matter of how assimilation to the Assistant Director of Nursing scale is to occur was to be referred to the Adjudicator, Mr. Sean McHugh, at the earliest opportunity for his consideration and determination.

Both parties agreed to this and the Hearing was held on Monday 15th September 2003 in the Headquarters of the Health Service Employers Agency.

The Union Case

The INO argued that the origin of the current Nurse Manager pay structure is the Blue Book agreement of 1996, the Labour Court recommendation that amended it, and subsequently the adjustments made in Labour Court recommendation 16261 that issued on the 31st August 1999.

They stated that at no point during the process of creating these revised Management Scales was the system of starting pay on promotion used as a method of assimilating individuals onto the points of the new scale.

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They indicated that the method of assimilation used to establish the CNM3 Grade and the Assistant Director of Nursing Band 1 and Band 2 Grades was that of point for point assimilation with appropriate upward adjustment as per the 'Blue Book' agreement.

They argued that the Night Superintendent Grade was inappropriately assigned and that it should have been at Assistant Director of Nursing level from the outset.

The Union advocated that Night Superintendents would only achieve the appropriate grading from the 8th November 2001 some years after all of their counterparts who were directly assigned to the Assistant Director Scales.

They stated that there is no promotion involved in implementing the Adjudication Report as all existing Night Superintendents are already in post. They also argued that it is inappropriate to use the 'starting pay on promotion' rules outlined in Circular No. 10/71 in what is essentially an upgrading as opposed to regrading of the posts.

The Management Case

Management outlined that precedent determined that posts upgraded as a result of an evaluation have always been dealt with under the Rules outlined in Circular 10/71.

In addition they indicated that the cost of the INO's proposal would be prohibitive.

They also argued that to assimilate in the manner in which the INO proposed would create a precedent that could cause severe difficulties in relation to any future similar exercises.

Determination

I have taken into account the case put forward by both parties and considered, specifically, the assimilation arrangements set out in the "Blue Book" and Circular No. 10/71. This determination is based on the practical implementation of the terms of these and takes into account the particular circumstances that apply in this case.

Consequently, I set out below the method of assimilation to be applied in this case.

- A. In all cases, except those outlined in B, below, post holders will enter onto the new scale by means of the point nearest but not below existing pay plus one increment.
The new incremental date should be November 8th.

- B. In cases where the post holder has been on the maximum of her/his scale for at least 3 years on November 8th 2001, she/he should enter the new scale at the nearest point not below existing pay plus two increments.
The new incremental date should be November 8th.

Sean McHugh

October 14th 2003