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Acmhainní Daonna

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- Each Clinical Director**
- Director National Ambulance Service**

**From:** Anne Marie Hoey, National Director of Human Resources

**Date:** 24<sup>th</sup> February 2022

**Re:** HR Circular 006/2022 re Once-off Public Holiday 18 March 2022

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Dear Colleagues

I refer to the Government decision to designate a once-off public holiday on Friday 18 March 2022 in recognition of the efforts of the general public, volunteers and all workers during the COVID-19 pandemic, and in remembrance of people who lost their lives due to the COVID-19 pandemic [view here](#).

[Statutory Instrument No.50/2022](#) – **Organisation of Working Time (Covid-19 Commemoration) Regulations 2022** was signed into law on 7 February 2022 and provides for a once-off public holiday entitlement on **Friday 18 March 2022**.

**Note:** These Regulations further provide for the establishment of a new permanent public holiday in celebration of Imbolc/St Brigid's Day. This will be the first Monday in every February, except where the 1st day of February, happens to fall on a Friday, in which case that Friday 1 February will be a public holiday. The first such public holiday will be **Monday 6 February 2023**.

**Public Holidays March 2022**

There will be two public holidays in March 2022: **Thursday 17 March (St Patrick's Day) and Friday 18 March (the once-off public holiday)**. This once-off public holiday will apply to all eligible<sup>1</sup> public health service employees. In accordance with section 21 of the Organisation of Working Time Act 1997 ("the OWT Act"), part-time employees qualify for the public holiday entitlement provided they have worked for their employer at least 40 hours during the period of 5 weeks ending on the day before that public holiday.

Please note that managers are responsible for granting the public holiday entitlements, as provided for under section 21 of the OWT Act, to employees within their area of responsibility, having regard to service requirements, and notifying employees of their entitlements in advance of the relevant public holidays.

*21.—(1) Subject to the provisions of this section, an employee shall, in respect of a public holiday, be entitled to whichever one of the following his or her employer determines, namely—*

- (a) a paid day off on that day,*
- (b) a paid day off within a month of that day,*
- (c) an additional day of annual leave,*
- (d) an additional day's pay:*

*Provided that if the day on which the public holiday falls is a day on which the employee would, apart from this subsection, be entitled to a paid day off this subsection shall have effect as if paragraph (a) were omitted therefrom.*

It is also important to note that the additional public holiday on 18 March 2022 will be subject to the same national collective agreements and contractual public holiday entitlements that apply to public health service employees in respect of the other nine public holidays.

### **Employees who work a '5 over 7' roster**

Payment for public holidays is governed by the *Organisation of Working Time (Determination of Pay for Holidays) Regulations, 1997* [here](#). In addition, the nationally approved public holiday premium rates of pay will apply to eligible employees (including public holiday on-call rates and public holiday overtime rates<sup>2</sup> where applicable) if they are rostered to work on the day the public holiday falls.

### ***Nursing/Midwifery staff who work a '5 over 7' roster***

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<sup>1</sup> Section 21 (5) of the Act provides that an employee who is **absent from work** immediately before the relevant public holiday does not have an entitlement in respect of the public holiday if the absence exceeds the following time limits:

- 1. an absence, in excess of 52 consecutive weeks, by reason of an injury sustained by the employee in an occupational accident (within the meaning of Chapter 10 of Part II of the Social Welfare (Consolidation) Act, 1993),*
- 2. an absence, in excess of 26 consecutive weeks, by reason of an injury sustained by the employee in any accident (not being an accident referred to in paragraph 1) or by reason of any disease from which the employee suffers or suffered,*
- 3. an absence, in excess of 13 consecutive weeks, caused by any reason not referred to in paragraph 1 or 2 but being an absence authorised by the employer, including a lay-off,*
- 4. an absence by reason of a strike in the business or industry in which the employee is employed.*

<sup>2</sup> National overtime rates are set out in [HSE HR Circular 31/2021](#)

In the case of nursing/midwifery staff who work a '5 over 7' roster and currently have a contractual entitlement to an additional nine days' leave (pro-rated for part-time staff) in lieu of their liability to be rostered on public holidays, this will increase to an additional ten days' leave (pro-rated for part-time staff). In addition, nursing/midwifery staff who are rostered to work on the public holiday are entitled to payment plus single time extra for each hour worked as per existing contractual arrangements.

#### *NCHDs who work a '5 over 7' roster*

The NCHD contract states that "*NCHDs who work a '5 over 7' roster are entitled to a total of 9 working days (7.8 hours per day) in lieu of the liability to be rostered on a public holiday. In terms of the practical implementation of this entitlement, 4 days fall due in respect of the period from the second Monday in January to the second Monday in July and 5 days apply in respect of the period from the second Monday in July to the second Monday in January.*"

The once-off public holiday on 18 March 2022 is a statutory entitlement which also applies to NCHDs. As a result of the introduction of this once-off public holiday on 18 March 2022, NCHDs who work a 5 over 7' roster will be entitled to a total of 10 working days (7.8 hours per day) in lieu of their liability to be rostered on a public holiday. In terms of the practical implementation of this entitlement, 5 days fall due in respect of the period from the second Monday in January 2022 to the second Monday in July 2022 and 5 days apply in respect of the period from the second Monday in July 2022 to the second Monday in January 2023<sup>3</sup>.

#### *Medical Laboratory Scientists, Radiographers and Radiotherapists*

Medical Laboratory Scientists, Radiographers and Radiotherapists who are required to provide on-call on the 18<sup>th</sup> March 2022 will receive the public holiday on-call rate.

### **Employees who work a Monday to Friday attendance regime**

Employees who are required to work on the public holiday and are granted their public holiday entitlement under option (d) of section 21 ("an additional day's pay") are entitled to receive public health service premium rates of pay including public holiday overtime rates for eligible staff as set out in HSE Circular 31/2021.

In the case of employees who do not work on the public holiday, the following provisions generally apply<sup>4</sup>:

- *Employees who work or who are normally required to work on the day on which the public holiday falls*  
An employee who normally works on the day on which the public holiday falls but has the day off by virtue of the fact that it is a public holiday is entitled to their normal day's pay.

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<sup>3</sup> A revised version of the NCHD contract will be issued to reflect the new public holiday entitlements arising from the Regulations.

<sup>4</sup> Please refer to the employee's contractual arrangements.

- *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. part-time employees who are scheduled to work on particular days only), is entitled one-fifth of their normal weekly pay or an additional day's leave based on one-fifth of their standard working week, as the employer may decide.

- *Job-Sharers*

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 are entitled to receive one-tenth of the amount that is paid in respect of the last two weeks of normal working hours worked by the employee before that public holiday or an additional day's leave based on one-tenth of their fortnightly working hours, as the employer may decide.

Please ensure that this Circular is brought to the attention of managers and staff within your area of responsibility.

### **Queries**

Queries from individual employees or managers in relation to these arrangements should be referred to local HR/Employee Relations Departments. Please note that the National HR Help Desk is also available for **staff queries** on 1800 444 925 or [ask.hr@hse.ie](mailto:ask.hr@hse.ie)

Queries from HR Departments and Employee Relations Departments on the contents of this Circular may be referred to National Employee Relations (NER), 63/64 Adelaide Road, Dublin 2. Tel: 01- 6626966, Email: [info.t@hse.ie](mailto:info.t@hse.ie)

Yours sincerely



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**Anne Marie Hoey**  
**National Director of Human Resources**