



Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

Office of the National Director of Human Resources

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To:

**Chief Executive Officer
Each National Director
Each Assistant National Director HR
Each Assistant Chief Finance Officers
Each Hospital Group CEO
Each Hospital Group Director of HR
Each Chief Officer CHO
Each CHO Heads of HR
Each CEO Section 38 Agencies
Each HR Manager Section 38 Agencies
Each Employee Relations Manager
Each Group Director of Nursing & Midwifery
Each Group Director of Midwifery
Each Clinical Director**

From: Anne Marie Hoey, National Director Human Resources

Date: 14th March 2020

Re: HR Circular 009/2020: Waiver of Pension Abatement for Frontline Staff in the context of COVID-19

Dear Colleagues

I refer to Department of Health Circular 1/2020 (copy attached) which advises that the Department of Public Expenditure and Reform (DPER) have confirmed that approval has been granted for a temporary waiver of abatement for frontline health sector staff in order to respond to the current COVID-19 situation. This temporary waiver of the pension abatement rules has been approved under Section 52(4) of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 and is effective until **30 June 2020**. At this point a review of the situation will be undertaken by the Department of Health and the HSE to assess if an extension to the waiver is warranted.



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The waiver applies specifically to the rehiring of retired former employees to frontline posts to meet the specific demands arising from COVID-19. This requirement should be clearly stated in the Specified Purpose Contracts issued to those rehired.

Any retiree who is recruited for the purposes of responding to COVID-19 must have the particular training and experience required for the particular position being filled. He or she must also be otherwise suitable for employment in the position in all respects.

The following arrangements will apply to a retired public servant who is rehired under the terms of this Circular:

- The person will be paid at the minimum point of the relevant salary scale with the exception of nursing and midwifery positions. HSE HR Circular 13/2016 and HSE HR Circular 18/2017 will continue to apply in respect of the salary point for persons rehired to fill nursing and midwifery positions.
- It is generally a condition of employment that public servants who are appointed to pensionable positions and who are under 70 years of age on commencing pensionable employment are required to join the Single Public Service Pension Scheme (“Single Scheme”). The Single Scheme also applies to a former pensionable public servant who rejoins the Public Service in a pensionable position and who has a break of greater than 26 consecutive weeks between public service posts. Rehired retirees under 70 years of age whose break in service between public service posts does not exceed 26 consecutive weeks are, subject to eligibility, required to join the relevant pre-existing public health service pension scheme. Pension contributions will apply to the person’s salary in accordance with the relevant pension scheme rules. A refund of contributions may be granted in accordance with the provisions of the vesting period as provided for in the relevant pension scheme.
- PRSI is chargeable at the applicable PRSI class relevant to the person upon appointment.

The direction from DPER/Department of Health is that the temporary waiver is subject to the collation and provision of data on the operation and implementation of the waiver. The HSE is required to ensure that all expenditure under this waiver can be tracked separately in order to ensure that all exceptional spending on COVID-19 is capable of being identified.

To comply with this direction, the following data must be maintained by the HSE and each Section 38 organisation in respect of all retired public servants who are employed under this Circular:

- Employee’s name;
- Job title/position;
- Staff category;
- Service area;
- Location;
- Cost Centre;
- Expected duration of contract;
- The contracted weekly working hours;



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- The total remuneration paid – this includes basic salary/allowances/unsocial hours premium payments/overtime/on-call payments/call-out payment etc. The amount is inclusive of Employer PRSI and associated income i.e. superannuation/ ASC.

Health service managers within the HSE and each Section 38 organisation must put in place the necessary arrangements to ensure that this level of data can be reported on in line with the Department of Health's Circular. Regardless of the arrangements put in place, that may include in some instances a separately identified cost centre, the key requirement is for services to be able to separately identify and report on all costs at employee level detail as per above, associated with the rehiring of retirees for the specific purpose of the COVID-19 response. This data is required to enable the HSE to comply with the direction from DPER/Department of Health to provide an aggregate summary of data/costings for the public health sector in respect of rehired public servants to whom the temporary waiver has been applied.

Please ensure that this Circular is brought to the attention of all relevant managers in your area of responsibility. Please ensure that appropriate arrangements are put in place for the recording and collation of data, in accordance with GDPR requirements¹, to enable the HSE to submit the information required by the Department of Health/DPER in respect of the public health sector.

Please ensure that responsibility is assigned to appropriate managers to ensure compliance with the requirements for collation and provision of data on rehired public servants to whom the waiver has been applied.

Queries

Queries from individual employees or managers regarding these arrangements should be referred to local HR Departments/Employee Relations Departments.

Queries from HR Departments on the contents of this Circular may be referred to Anna Killilea, Corporate Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2. Tel: 01 6626966, Email: anna.killilea@hse.ie.

Yours sincerely,



Anne Marie Hoey
National Director of Human Resources

¹ <https://dataprotection.ie/en/news-media/blogs/data-protection-and-covid-19>



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