



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

HSE HR Circular 017-2009

18th May, 2009.

**To: Each Member of Management Team, HSE;
Each Assistant National Director, PCCC, HSE;
Each Assistant National Director, NHO, HSE;
Each Hospital Network Manager, NHO, HSE;
Each Local Health Manager, PCCC, HSE;
Each Assistant National Director, HR, HSE;
Each Employee Relations Manager, HR, HSE;
Each Area Redeployment Manager, HSE.**

Re: Special Incentive Career Break Scheme (2009).

Dear Colleague,

1. I refer to the Special Incentive Career Break Scheme announced by the Minister for Finance in his Supplementary Budget Statement of 7th April 2009, applicable in 2009 only, as part of the Government's efforts to achieve a reduction in spending on the paybill. To avail of this scheme, a career break of special leave without pay (hereafter referred to as a "career break") must be taken for three years.

Incentive payment

2. Successful applicants for a career break under this scheme who work full time will be paid an **incentive payment of a third of gross basic pay to a maximum of €12,500, per year**, payable quarterly in arrears, for each year of the 3 year period of the career break incentive scheme. These amounts will be reduced *pro rata* for any person on reduced working hours under the work-sharing arrangements under S/204/1¹. The amount payable is subject to tax and other statutory deductions. The onus is on the employee on career break to ensure that his/her Payroll Department has been supplied with up-to-date bank account details for lodgement of the incentive payment, and that any changes are notified promptly. A person may indicate on the application form (paragraph 14 of Appendix 1) that they wish the first quarterly instalment of the allowance to be paid on commencement of the career break.

DOHC Circular S/146/99

3. This Circular does not supersede DOHC Circular S/146/99 and associated letters, dated 16 March 1984, 27 November 1984, 26 August 1987, 30 March 1989 and 7 November 1990, and persons may continue to apply for career breaks under that circular. Staff who, on the date of this Circular, are on a career break which commenced prior to that date or have signed a career break undertaking under Circular S/146/99, may not opt to have the terms of this Circular applied to them.

¹ The applicable hours will be those that apply on the date of the Supplementary Budget 2009 (7 April 2009).

Operation of the scheme

4. An application for a career break must be made to the relevant Local Health Manager / Hospital Manager / or General Manager (Functional Area) for recommendation and copied to the relevant Assistant National Director (PCCC) / Hospital Network Manager / Assistant National Director (Functional Area) on the form at Appendix 1 no later than **1 July 2009**. Applications from employees on secondment should be forwarded, through the HR department of the organisation in which they are serving, to the HSE.

5. Line management has the discretion, for stated business / service reasons, to grant or refuse a career break to an employee under the terms of this Circular. While line managers are asked to facilitate applications for career breaks as far as possible, the needs of the business / service may require that some applications will have to be refused; the operation of the career break scheme is subject to the operating requirements of the HSE not being significantly adversely affected, in particular that essential service provision is not undermined. A line manager may, for stated business / service reasons, prioritise between applications, having regard to the level of saving achieved by granting certain applications, the location or business area of the person(s) applying, and any other relevant matter. Line management may also refuse an application for a career break under this scheme:

- if the applicant has specialist or hard-to-replace skills or competencies,
- if s/he is in a particular location or business area where high work demands are expected over the term of the career break or where there have been a number of applications for the scheme,
- if there is a potential conflict of interest between the activity in which the employee proposes to engage or engages in during his/her career break and his/her position in the organisation,
- the overall size and /or structure of the work or organisation and the challenge of distributing or reallocating the work / duties of the employee, or
- for other stated business reasons.

6. The HSE must submit, on a monthly basis, details of the number of applications received, whether they have been granted, deferred or refused; the cost of payments under the Scheme as well as the projected savings made. This reporting requirement will be co-ordinated by the Area HR Redeployment Managers. The business / service reasons for any refusals or deferments must be specified, as well as the period of the deferment. In the case of deferments, the relevant managers must also provide an assurance that procedures are in place to manage the transfer of knowledge/skills in the period of the deferment and the delivery of service after the applicant has retired. All of the above information will be collected monthly on the basis of a standard report format which will be made available shortly.

Eligibility

7. All staff groups who are co-operating with redeployment, mobility and flexibility requirement under the employment control framework and who meet the eligibility criteria, have access to the scheme, except those in exempted grades covered by the 2009 Employment Control Framework for the Health Sector. Employees, who have satisfactorily completed two years' continuous service (periods of special leave without pay in accordance with Maternity Protection Legislation, Adoptive and Carer's Leave and Parental Leave should not be considered to break continuity of service for this purpose) on the date of commencement of the career break may apply for a career break under this scheme, provided that:

- (a) if they have taken a previous career break, they have served for a period equal to the duration of that career break (although the period of service requirement between career breaks may be waived at the discretion of the employer in exceptional circumstances),
- (b) the duration of a career break under this scheme will not extend beyond their minimum retiring age, if applicable,
- (c) the duration of a career break under this scheme will not extend beyond the date for termination of a fixed term contract, or

(d) they have not previously taken 3 career breaks and will not exceed, with the addition of a career break under this scheme, the limit to career breaks of 5 years specified in paragraph 2 of DOHC circular S/146/99. Other forms of special leave without pay (other than periods of less than six months, such as special leave taken for short periods of special leave without pay for study purposes) will, in general, be taken into account when calculating this overall limit.

8. Where disciplinary action has been initiated against an applicant (and the application would not otherwise be refused in accordance with paragraph 5), the decision on the application should be deferred pending a resolution of the disciplinary issue.

Purpose of career break and conflict of interest

9. A career break may be allowed for family reasons, other domestic purposes (e.g. care of a relative), travel abroad, self-employment and educational purposes. Educational purposes may be deemed to encompass certain training courses which include a practical training element for which there is a nominal payment/grant made to the student (e.g. training as a nurse or as a solicitor). Career breaks are not available for taking up paid employment in the State or for educational purposes where the student/trainee is in an employment relationship with the training body and is in receipt of a normal salary/wage. In all cases, applicants should provide clear details of the exact purpose for which the career break will be used.

10. There should be no potential conflict of interest between the activity in which the employee proposes to engage or engages in during his/her career break and his/her position in the HSE (e.g. it should not involve, or be perceived to involve, the use of confidential information gained in the course of official work; it should not improperly influence the employee in the discharge of his/her duties; it should not compromise, or be perceived to compromise, the employee's official position on return from career break). The employee should not undertake any consultancy work, or provide any service in return for payment, for his/her own organisation or any other public body while on career break. In order to ensure that the application complies with the above requirements, employees applying for a career break for self-employment must submit to the HSE full details of the nature of the self-employment, and an outline of their proposed business contacts and proposed client/customer base where appropriate. Any change in the nature of self-employment must also be notified to and sanctioned by the HSE. The employee may be subject to disciplinary proceedings and may be subject to penalties up to and including dismissal, for failure to notify in accordance with this paragraph.

11. If it comes to the attention of the HSE that an employee has taken up employment or otherwise is engaged in activity during his/her career break which is inconsistent with or may cause a conflict of interest with his/her position in the organisation, the terms of the undertaking at Appendix 1 to this Circular may be invoked and the HSE will contact the employee in writing, stating that the employee must, within two weeks, either:

- cease that employment or stop engaging in that activity and advise the employer in writing that s/he has so done, or
- advise the employer in writing that s/he is not engaged in that employment or that s/he is not engaged in that activity or
- if s/he is engaged in that activity, advise the employer of the reasons why the activity is not inconsistent with, or does not cause a conflict of interest with, his/her position in the organisation.

The HSE should indicate to the employee that, if s/he does not cease the employment or respond as required, or if, following consideration of the response, the HSE considers that the employee is employed, or is engaged in activity which is inconsistent with his/her position in the HSE or may cause a conflict of interest with that position, the HSE will notify the employee, giving him/her two further weeks to advise the HSE in writing that either s/he has ceased the activity or employment

concerned or is applying for a meeting with their Area HR Department to make submissions on the matter, following which period (or meeting if held) the Area HR Department will decide the matter.

In the event that the employee fails to respond in writing to the HSE within the two week period or fails to cease the activity or employment concerned or where the Area HR Department so decides following the period or any meeting, **the employer will immediately invoke the undertaking to resign from the organisation.** The HSE should advise the employee that they will receive no further incentive payment if the undertaking is invoked.

12. On return to duty, or in the event that it comes to the attention of the HSE, following return from a career break, that an employee was employed or has engaged in activity during his/her career break which was inconsistent with, or may cause a conflict of interest with, his/her position in the organisation, the employee will be subject to disciplinary proceedings and may be subject to penalties up to and including dismissal, including the refund of any incentive payment made.

Duration/Extension of career break

- 13.** A career break under this scheme must start **no later than 1 September, 2009**, except:
- in the case of a person on maternity leave on 1 September, 2009, it will begin on the date the maternity leave ends, or
 - if the organisation in writing, for stated business reasons, notifies the applicant that the commencement of the career break must be deferred to a specified date, which shall be no later than 31 December 2009,
 - if a decision is deferred in accordance with paragraph 8 of this circular (disciplinary action).

An individual must settle any outstanding liabilities (e.g. imprest, any overpayment of salary) with the HSE in advance of commencing the career break; alternatively the first payment of the incentive allowance will be reduced accordingly.

14. A career break under this scheme will be for a period of three years (subject to paragraph 23). A person may apply for an extension of the career break in accordance with DOHC Circular S/146/99 and associated letters, dated 16 March 1984, 27 November 1984, 26 August 1987, 30 March 1989 and 7 November 1990, which will then become the applicable circular. **No incentive allowance will be paid in respect of any period of extension of a career break.** The total period of special leave without pay must not exceed five years in all.

Non-reckonability of period of career break

15. Special leave without pay for a career break under this scheme will not count as service and will not reckon for increment or towards qualifying service for annual leave or promotion. Neither the special leave nor the incentive payment will count for superannuation purposes. Participants may not avail of any form of paid leave (e.g. sick leave) during the period of special leave. Persons on special leave under this scheme will not be considered for promotion and/or notified of competitions. Other than that, an employee on special leave without pay for a career break under this scheme retains his or her public servant status and is subject to all relevant legislation and codes.

Filling of vacancies

16. The HSE should normally reallocate or re-organise work or staff, where any vacancy arises under this scheme. The filling of vacancies arising through persons availing of special leave, including through the granting of higher duty allowances, will be subject to current Government policy on public service numbers and, in particular, the moratorium on recruitment and promotion.

Promotion and other appointments

17. Staff on career break may apply for open recruitment competitions for which they are eligible (for grades other than their current grade). If offered an appointment as a result of the competition, they will be required to end the career break. No further incentive payment will be paid from the date that they take up appointment.

18. The starting pay on appointment from an open competition of an employee on career break will be calculated as though s/he were a serving employee at the time of the appointment. As stated in paragraph 15 above, the period of absence on career break will not count as service.

Return to duty

19. Employees are required to contact the HSE (Area HR Department) in writing, at least two months before expiry of the career break, to indicate whether they wish to (a) resume duty on expiry of the career break, (b) apply for an extension to the career break under paragraph 14 (if appropriate) or (c) resign from the organisation. **Where an employee fails to contact the HSE before the expiry of the career break, s/he will be deemed to have resigned from the organisation from the date of the expiry of the career break (see paragraph 23 below and the signed undertaking on the application form - Appendix 1).**

20. An employee, who indicates s/he wishes to resume duty, will be assigned to the next appropriate vacancy to be filled following the expiry of the career break, with a guarantee of re-employment in a relevant grade (not necessarily in his/her existing work location) within twelve months of the expiry of the career break. An appropriate vacancy, for these purposes, is a fillable vacancy in the employee's grade in the location in which he/she was serving immediately prior to commencing the career break. In the context of this Circular, "location" means within the local catchment area or within a reasonable distance, with the Dublin area being treated as one such location (save any change to such arrangements made in accordance with a collective agreement negotiated with the staff side).

21. Where an appropriate vacancy exists, or where it is known when one will arise, and the employee has indicated that s/he wishes to resume duty in accordance with paragraph 19, the HSE (Area HR Department) should contact the employee, giving him/her reasonable notice of the date for resumption of duty, bearing in mind the employee's circumstances and making it clear to the employee that, if s/he fails to report for duty on that date, the HSE (Area HR Department) reserves the right to invoke the terms of the undertaking (at the end of the application form - see Appendix 1) and accept his/her formal offer of resignation from the organisation. In the event of the employee failing to report for duty on that date, the HSE (Area HR Department) should contact him/her to inform the employee that the terms of the undertaking have been invoked and that the employer accepts his/her resignation with effect from the last day of the career break. An employee may not defer reporting for duty on the grounds that s/he has requested a change of location or work-sharing (see paragraph 27 and 28 below). In the event that a person claims that they cannot resume duty on the grounds of illness, they should be referred immediately to the relevant Occupational Health department.

22. Where an appropriate vacancy does not exist, the HSE (Area HR Department) should contact the employee at once to notify him/her of the position, indicating, where possible, when it is likely that a suitable vacancy may arise. Where it is likely that the employee may be reassigned to within the local catchment area or within a reasonable distance, the HSE (Area HR Department) should alert him/her to that possibility. Employees, who are waiting to resume duty at the end of their career break, should be advised to contact the Department of Social and Family Affairs to ascertain whether or not they have any entitlements to jobseekers or any other benefits.

23. **Where an employee fails to contact or respond to his/her Area HR Department, or report for duty, as required under paragraph 19 or 21 above, s/he will be deemed to have**

resigned from the date of the expiry of the career break. The Area HR Department should inform the employee, in writing to his/her last known address, that the terms of the undertaking have been invoked (see Appendix 1) and that the employer accepts his/her resignation with effect from the last day of the career break, without further notice being given to the employee. **As specified in the undertaking, the onus is on the employee on career break to ensure that his/her Area HR department have been supplied with an up-to-date contact address and telephone number.**

24. In view of the serious consequences which may arise as a result of non-compliance with the terms of the undertaking with regard to resumption of duty, the HSE (Area HR Department) should ensure that correct procedures are followed, that written correspondence is sent by registered post, and that the employee on career break is kept informed at all times of the steps being taken of the current position. This applies to any employee whose career break is coming to an end, regardless of whether or not they have indicated that they wish to resume duty.

25. If more than one employee in the same grade and location is on career break either under DOHC circular S/146/99 and associated letters, dated 16 March 1984, 27 November 1984, 26 August 1987, 30 March 1989 and 7 November 1990, or this scheme, the order of priority in timing each return will be based on the chronological order in which the respective career breaks expire and, if necessary, on the chronological order in which the respective career breaks commenced and seniority (if necessary).

26. Once an employee has indicated that s/he is available to return to duty, any time spent waiting for re-employment after the expiry of the career break (other than any delay on the part of the employee) will reckon as part of the career break period other than for purposes of the overall limits relating to duration of career breaks, as specified in paragraphs 7 and 14 above. **No incentive payment will be payable in respect of any time spent waiting for re-employment.** There is no preclusion on seeking employment elsewhere while awaiting resumption of duty, subject to the avoidance of any conflict of interest between such employment and the person's continuing status as a public servant.

27. An employee does not have an entitlement to return to duty in a location other than that in which s/he was serving on commencement of the career break. However, the HSE will endeavour to facilitate requests for change of location where feasible and subject to any applicable transfer requirements.

28. An employee does not have an automatic right to return to duty in a work-sharing (or part-time) capacity, even if s/he had been before commencing the career break. However, the HSE will endeavour to facilitate such requests where feasible.

29. A person on a career break under this scheme may, for exceptional reasons related to family hardship, apply to resume work no earlier than 6 months after commencing the career break. The employer may, at his/her discretion, allow an employee to resume duty before the expiry of his/her career break, provided s/he is satisfied that there are exceptional reasons related to family hardship, it is in the interests of the work of the organisation, that there is a fillable vacancy in the relevant grade in the organisation and it does not disadvantage another employee by reference to the order of priority outlined in paragraph 25 above. No further incentive allowance will be paid to the employee.

Superannuation Arrangements

30. As stated in paragraph 15 above, the period on career break does not reckon for superannuation purposes. However, an employee may, in certain instances, have the period reckoned for superannuation purposes by making a contribution of an appropriate percentage of salary. As the arrangements and the percentage of salary may differ depending on an employee's

individual circumstances, employees are advised to clarify the position with their Area HR department prior to commencing the career break.

Social Welfare Arrangements

31. As the arrangements, if any, for payment of certain social welfare contributions, or receipt of certain social welfare benefits or allowances, while on career break, may vary from time to time, employees are advised to check out their own individual situations with the Department of Social and Family Affairs prior to commencing a career break and to check, periodically, as to the up-to-date position.

Queries

32. Employees are advised to contact their local HR Department (see http://hse.net.hse.ie/Working_in_the_HSE/New_Incentivised_Schemes/Special_Incentive_Career_Break_Scheme/Who_can_I_contact_.html) who will be responsible for dealing with personal queries from individual employees in relation to this circular.

Yours sincerely,



Séan McGrath,
National Director of Human Resources.

Encl.

APPLICATION FORM FOR INCENTIVISED CAREER BREAK

INSTRUCTIONS ON COMPLETING THE ATTACHED APPLICATION FORM

APPLICANT:

Please ensure you have read the associated HSE HR Circular 017/2009 carefully before completing and signing the attached application form. The circular can be downloaded from the HSE intranet site

http://hsenet.hse.ie/Working_in_the_HSE/New_Incentivised_Schemes/

Completed forms should be submitted to your LHM-PCCC / Hospital Mgr or General Mgr of Function for consideration of approval (See detailed instructions provided “How do I make an application”)

LHO/GM/Hospital Manager

On receipt of application under this scheme please acknowledge to the applicant. Please complete portion of application form in which you are required to make your recommendation on the application. You should ensure that you arrange to submit the form to the Asst. National Director PCCC / Hospital Network / AND – Function for your area within 2 weeks of receipt to allow for adherence to the deadlines on decisions and / or ensure compliance with proposed start dates. Note any decisions to defer or refuse an application must be accompanied by a written explanation for the decision taken.

ASST. NATIONAL DIRECTOR/HOSPITAL NETWORK MANAGER

On receipt of the application from the LHO/Network Manager/Gen Mgr you are required to complete the relevant section of the form within one week and submit to the Area Employment Monitoring Group for your area. All deferred / refused applications must be accompanied by a written explanation of the reasons associated with the decision taken.

**APPLICATIONS FOR SPECIAL LEAVE WITHOUT PAY FOR A CAREER BREAK
UNDER THE SPECIAL INCENTIVE CAREER BREAK SCHEME 2009**

- Applicants are advised to read HSE HR Circular 17/2009 carefully before completing and signing this form. These documents are available on the HSE Intranet or from your Administrative Area Human Resource Department (See *who can I contact?*). Applicants who are uncertain as to the meaning of any of the contents of the form should seek clarification from their HR Department. Employees are, of course, free to seek independent advice. Latest date for receipt of applications is 5.30pm on 1st July 2009.

1. NAME: _____

2. CORRESPONDENCE ADDRESS: _____

3. TELEPHONE NUMBER: Work _____ Other _____

4. EMAIL ADDRESS: _____

5. DATE OF BIRTH: _____

6. EMPLOYEE NUMBER: _____

7. PPS NUMBER: _____

8. TITLE OF POST AND GRADE: _____

9. WORK LOCATION (e.g. Hospital, PCCC Area) _____

10. LINE MANAGER: _____ TITLE: _____

11. LINE MANAGER CONTACT DETAILS (telephone & email): _____

12. PURPOSE FOR WHICH CAREER BREAK IS SOUGHT: *(reference paras 9-11 of the Circular)*

FAMILY REASONS _____

OTHER DOMESTIC (give full details)

EDUCATIONAL (give full details)

TRAVEL ABROAD _____

SELF EMPLOYMENT (give full details)

OTHER _____

13. PREVIOUS CAREER BREAKS(S) OR OTHER FORMS OF SPECIAL LEAVE WITHOUT PAY:

please state purpose, duration and dates of any career break or other form of special leave without pay previously taken (excluding periods of less than six months)

14. INCENTIVE PAYMENT

(a) DETAILS OF BANK ACCOUNT FOR LODGEMENT OF INCENTIVE PAYMENT

Bank Name: _____ Address: _____

Account Name: _____ Account Number: _____

Sort Code: _____

(b) I would / would not prefer the payment of the first instalment of the allowance at the beginning of my career break. I understand that if I opt for early payment of the first instalment, the next payment will be six months later:

Please tick as appropriate

Early Option Payment Yes Early Option Payment No

15. ADDRESS AND PHONE NUMBER at which I can be contacted while on career break (reference Para 23 of the Circular and the undertaking overleaf):

EMPLOYEE'S SIGNATURE: _____ **DATE:** _____

UNDERTAKING

I understand that the conditions of my career break are as stated in HSE HR Circular 017/2009, a copy of which has been given to me.

My attention has been particularly drawn to paragraphs 19-29 dealing with return to duty following the expiry of my career break, to paragraph 9 regarding notification of the purpose of the career break, in particular any details of employment or self-employment, or any change to same and to paragraph 10 regarding conflicts of interest while on career break, and the possible consequences of same.

I understand that my career break expires on (*date should be inserted*).

I hereby undertake

- to notify my employer of any change of address or any change of bank account details for correspondence purposes within one week of such change;
- to notify my employer in writing, at least two months before expiry of the career break, to indicate whether I wish to resume duty on expiry of the career break, to apply for an extension to the career break or to resign from the organisation;
- to respond promptly to any correspondence from my employer concerning my intentions on the expiry of my career break or any other matters concerning my career break;
- to return to duty on such date following the expiry of my career break as directed.

I understand that in the event of my failure to confirm in writing my intentions at least two months before the expiry of my career break or in the event of my failure to report for duty on such date following the expiry of my career break as directed, this undertaking will be invoked and will constitute a formal offer of resignation from the organisation with effect from the last day of my career break, effect to be given to such resignation by written notification to me by my employer of their acceptance of my resignation.

I further understand that in the event that it comes to the attention of my employer that I have taken up employment or am engaged in any activity which is inconsistent with or may cause a conflict of interest with my position in the organisation, my employer will contact me in writing stating that I must, within two weeks cease the employment or activity and advise the organisation of this in writing or alternatively advise my employer in writing that I am not employed or engaged in any activity which is inconsistent with or causes a conflict of interest with my position in the organisation. If, after considering my response, my employer continues to be of the view that I am employed or engaged in inappropriate activity, my employer will give me a further two weeks to cease such employment or activity and to notify my employer of this in writing, or to apply for a meeting with the HR Department.

In the event that, I fail to respond in writing to my employer within the two week period or fail to cease the activity or employment concerned within this period or where, the HR Department so decides following the period or any meeting, this undertaking will

immediately be invoked, and constitutes my formal resignation from the organisation, effective from the last date of the two week period. All payments will cease from that date.

SIGNED: _____

DATE: _____

A copy of the completed, signed, form should be given to the employee to be retained by him/her while on career break.

Office use only

Please tick appropriate box:

1. Recommended: Refused: Deferred:

If refused / deferred, please outline business reasons for decision and attach to this form

Recommended by: _____
LHM – PCCC / Hospital Manager/GM

Title: _____

Date: _____

2. Approved: Refused: Deferred:

If refused / deferred, please outline business reasons for decision and attach to this form

Approved by: _____
Hospital Network Manager / AND

Title: _____

Date: _____

3. AEMG Approval: Refused: Deferred:

If refused / deferred, please outline business reasons for decision and attach to this form

Decision of AEMG:

Signed by Chair of the AEMG: _____

Date: _____

Date received by Redeployment Manager: _____

Date of AEMG Meeting: _____

Date decision issued to applicant with Form of Acceptance for completion: _____

Date completed Form of Acceptance received: _____

Copy to Pensions Section on _____: