

Posted 15/1/03  
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Health Service  
Employers Agency

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14 January 2003

To: **Director of Human Resources**  
**Health Boards/Voluntary Hospitals/Mental Handicap Agencies**

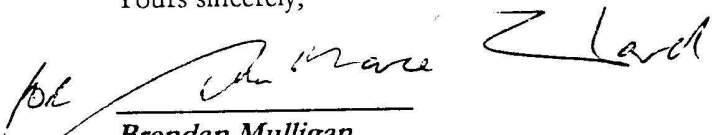
Re: **Acting Up Allowances and the calculation of premium pay**

Dear Colleagues

It has been brought to my attention that there may be some misunderstanding in relation to the above and specifically the issue been referred to the Labour Court. The issue refers to the duration of the acting period. The Rights Commissioner's recommendation stated that for each minimum period of one continuous month acting in a higher post a Nurse should be paid pro rata to the value of one year. It is the union's contention that this should be for periods of acting of one week or more.

Please note that premium pay should be based on basic pay plus acting allowance and this has been confirmed in correspondence from the Department of the Environment dated 1 May 2001 and circulated on 3 September 2001. I enclose a copy of this circular for your attention and would ask you to ensure that this circular is being complied with.

Yours sincerely,

  
**Brendan Mulligan**  
**Head of Industrial Relations**

Kickel 1511105



Copies  
Brendan

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Employers Agency

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3<sup>rd</sup> September, 2001

To Personnel Officer Each Health Board

**Re: Reckonability of Acting Allowance in Determining Rate for Premium Pay**

Dear Colleague,

I attach decision received from the Department of the Environment and Local Government in respect of the above matter.

Please bring to the attention of all relevant personnel.

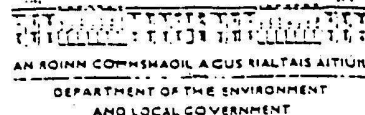
Yours sincerely,



**Brendan Mulligan**  
**HEAD OF INDUSTRIAL RELATIONS**

cc. Ms Teresa Cody, Nursing Division, Department of Health and Children

Kickel 15/1103



Our Ref: S.123/44/50

01 May 2001

Mr. Eddie Kelly  
"Hillview"  
Esmonde Road  
Enniscorthy  
Co. Wexford

Dear Mr. Kelly

I refer to our letter of 1 February 2001 and previous correspondence concerning your appeal against the decision of the South Eastern Health Board in relation to the determination of your pensionable remuneration.


You appealed the decision of the Board not to calculate your premium payments by reference to your basic salary plus your acting up allowances, thereby reducing your pensionable pay and your retirement lump sum and pension.

While the level of a person's premium payments will affect the amount of his/her superannuation entitlements, the calculation of premium payments for health board staff is subject to the pay policy and guidelines of the Department of Health and Children.

Accordingly, the Department of Health and Children were consulted in the matter and they have confirmed that premium pay should be based on basic pay plus acting up allowances as opposed to basic pay only. They have also indicated that they have asked the Health Service Employers Agency to clarify the matter for health boards.

Accordingly, the South Eastern Health Board have been requested to make the necessary arrangements to have your superannuation award recalculated on foot of the decision of the Department of Health and Children and to notify you of the outcome as soon as possible.

Yours sincerely

  
Marianne McDonnell  
Higher Executive Officer  
Superannuation Section  
Phone:- (096) 24408 Direct Line  
LoCall:- 1890 20 20 21  
email:- [marianne.mcdonnell@environ.irlgov.ie](mailto:marianne.mcdonnell@environ.irlgov.ie)

DEPARTMENT OF

THE ENVIRONMENT AND

LOCAL GOVERNMENT

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