



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

TERMS AND CONDITIONS OF EMPLOYMENT

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SECTION 1 - LEAVE

This chapter sets out the leave arrangements and payments for such leave which apply in the Health Service Executive. Some leave types may not apply to all employee categories. The section of the document covers the following:

- Annual leave
- Public Holidays
- Sick leave
- Serious Physical Assault Scheme
- Maternity Leave including Health & Safety Leave
- Adoptive Leave
- Paternity leave
- Paternal Leave
- Force Majeure Leave
- Carer's leave
- Special Leave with Pay on Marriage
- Compassionate Leave
- Career Breaks
- Special Leave with Nominal Pay
- Leave for Deployment with the Rapid Response Corps
- Leave for Trade Union Representatives
- Other Types of Leave
- Study Leave
- Reserve Defence Forces

Please note that in general all absences should be recorded in hours.

A day is normally defined as one-fifth of the standard weekly working hours of the whole time equivalent.

Annual Leave

The Organisation of Working Time Act, 1997 sets out statutory entitlements for employees in respect of annual leave and public holidays. All health service employees are covered by the Act. In the case of agency workers, the party who pays the wages is deemed to be the employer for the purposes of the Act and is responsible for providing the annual leave and public holiday entitlements.

Qualifying Conditions for the Accrual of Annual Leave

There is no qualifying period or hourly threshold for entitlement to annual leave. This means that all employees, regardless of the number of hours they work a week, start to accrue an entitlement to annual leave from the commencement date of their employment.

Entitlement to annual leave is based on the number of hours worked in the leave year. The Act defines 'working time' as any time an employee is:

- At his or her place of work or at his or her employer's disposal, and
- Carrying on or performing the activities or duties of his or her work.

When calculating an employee's annual leave entitlement, employers should include time spent on maternity leave, additional maternity leave, adoptive leave, additional adoptive leave, parental leave, the first 13 weeks of carer's leave, and annual leave and public holidays taken during the calculation period.

Calculating Annual Leave Entitlement

The Act sets out three mechanisms for earning a statutory entitlement to annual leave. Employees are entitled to whichever one of the following is the greater:

Employees who work at least 1,365 hours in the leave year are entitled to the full statutory leave entitlement of four working weeks (unless it is a leave year in which s/he changes employment).

If an employee does not work at least 1,365 hours in the leave year, s/he is entitled to one-third of a working week per calendar month that s/he works at least 117 hours.

If an employee works less than 117 hours, s/he is entitled to 8% of the hours worked in the leave year, subject to a maximum of four working weeks. (This is the mechanism normally used for calculating the annual leave entitlement for part-time employees).

The 'working week' refers to the number of days or hours that the employee normally works in a week. For example, if an employee works four days a week (and exceeds the 1,365 hours threshold), then his/her holiday entitlement to four weeks' leave is equivalent to 16 days' leave i.e. (4x 4 days). If an employee works five days a week, then his/her entitlement to four weeks' leave is equivalent to 20 days' leave.

Note

The majority of health service employees have annual leave entitlements that are greater than the statutory minimum provided for under the Organisation of Working Time Act.

Where an employee commences employment or terminates his/her employment during the leave year, annual leave entitlement is calculated on a pro rata basis.

Accrual of Annual Leave for Part-Time Employees

Part-time employees accrue an entitlement to annual leave on a pro rata basis to their whole-time-equivalent.

Table 1

Formula for calculating pro-rata Annual Leave Entitlements of part-time employees who work fixed working hours e.g. participants in the Flexible Working Scheme

Example: Employee who works 20 hours per week where WTE works 35 hours per week and receives 24 days annual leave per annum		
<u>Hours worked by Part-Time Employee</u>	X	Annual Leave of WTE in hours
Hours worked by WTE		
20	X	24 (AL days) x 7 (daily hours)=168
Annual leave hours per annum		
0.57	X	168
= 96		
⇒ Employee is eligible for 96 hours annual leave per annum		

Table 2

Formula for calculating pro-rata Annual Leave Entitlements of part-time employees who work varying hours on an “if and when required” basis

Example: Part-time employee who works varying hours on an ‘if and when required’ basis where Whole Time Equivalent (WTE) works 39 hours per week and receives 24 days annual leave per annum, will receive pro-rata entitlement to the WTE based on a percentage figure which is calculated using the formula below		
<u>Number of Annual Leave Days of the WTE Expressed in Hours</u>		x 100
Number of standard weekly working hours of the WTE x 52 weeks		
<u>187.2 (24 AL days x 7.8 hours (1/5 of standard working week)</u>		x 100
2028 (39 (standard WTE weekly working hours) x 52 weeks		
.092		x 100
= 9.2%		
⇒ annual leave entitlement of part-time employee is 9.2% of the hours which s/he works.		

Computation of a Day’s Annual Leave

In the case of employees who have varying weekly hours of attendance or who work shifts of varying lengths, annual leave entitlement should be converted into hours. This is calculated by dividing the normal weekly working hours for the grade by 5, and multiplying this figure by the annual leave entitlement for the grade.

e.g. an employee who works a 39 hour week is entitled to 156 hours per annum, i.e. 20 (days) x 7.8 (hours) = 156 hours.

Each time an employee takes annual leave, the number of hours s/he would normally have been rostered to work on the day(s) taken should be aggregated to determine the amount of annual leave taken.

e.g. an employee who takes annual leave on a day he/she would normally have been rostered to work a 12 hour shift should be deducted 12 hours from his/her annual leave entitlement.

Overtime

Hours worked on an overtime basis and additional hours worked beyond the employees contracted hours should not be reckoned in the calculation of the annual leave entitlement or the payment for annual leave **except** in cases where the employee falls short of the **minimum entitlement** as set out by the Organisation of Working Time Act 1997 (see section)

In situations where part-time employees are required to work beyond their contracted hours on a regular rostered basis over a significant period of time it may be more appropriate to review the employee's contracted hours if this requirement is likely to continue.

Timing of Annual Leave

The onus is on the employer to ensure that employees can avail of their annual leave entitlement in the leave year to which it relates. In exceptional circumstances due to service requirements, annual leave may be carried forward into the first six months of the next annual leave year, provided the employee agrees to defer his/her leave.

It is good practice for line managers to regularly review employees' annual leave records and make every effort to ensure that employees can avail of their outstanding leave in the current leave year. Where an employee cannot take his/her outstanding leave due to service requirements or other exceptional circumstances, s/he may carry this leave forward into the first six months of the following leave year.

The time at which annual leave is taken is at the discretion of the employer, having regard to service requirements and subject to the employee's needs to reconcile work and family responsibilities, and his/her opportunities for rest and recreation.

An employee who has worked eight or more months in a leave year is entitled to an unbroken period of two weeks' leave, which may include one or more public holidays.

Illness during Annual Leave

Where an employee falls ill during annual leave and submits a medical certificate from a registered medical practitioner, the period covered by the certificate is regarded as sick leave and annual leave entitlement is restored.

Accrual of Annual Leave during Sick Leave

While the Organisation of Working Time Act does not provide for the accrual of annual leave during sick leave, the most usual arrangement in the health service is to allow employees to continue to accrue annual leave during periods of paid sick leave (at full and half pay). However, an employee who accrues annual leave during paid sick leave cannot carry forward this leave into the following leave year as the employee has no statutory entitlement to this leave.

However, an employee who accrues annual leave by reason of time worked¹ as defined by the Organisation of Working Time Act 1997 will retain this entitlement and will be entitled to carry forward that annual leave to the following leave year if s/he is unable, for whatever reason, to avail of this annual leave in the current leave year, i.e. this annual leave will not be forfeited by reason of absence on sick leave.

Annual Leave Records

Annual leave records should be retained for at least three years as evidence that the employer is complying with the legislation.

¹ This includes time spent on maternity leave, additional maternity leave, adoptive leave, additional adoptive leave, parental leave, the first 13 weeks of carer's leave, and annual leave and public holidays

Holiday Pay

Payment for annual leave includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime. Premiums currently included are Saturday, Sunday, night duty, twilight hours and public holidays.

Note

The majority of health service employers calculate unsocial hours premium payments for holiday pay purposes for nursing and non-nursing employees in accordance with an arrangement which was agreed by health service employers and unions representing nursing and non-nursing employees, to provide for equity in the calculation of holiday pay. Under this arrangement, premium payments for holiday pay purposes are based on an average of premium earnings (exclusive of overtime), calculated over the 12 month period preceding the annual leave year in which annual leave is being granted. This payment is normally made on a designated date or dates as agreed as agreed at each location.

c.f. [Department of Health Circular No. S100/412](#)

'I am directed by the Minister for Health to refer to claims on behalf of nursing personnel and non-nursing grades for inclusion of premium payments in pay during annual leave in accordance with the terms of the Holidays (Employees) Act, 1973. The Minister's sanction may be assumed to implementation of these claims, effective from the commencement of the 1975 leave year, on the basis of including with basic pay during annual leave an average of premium payments (exclusive of overtime) earned during normal working hours. The average of premium earning for this purpose (i.e. average of premium earnings in respect of weekend, public holidays and night duty commitment) should be calculated on the 12 month period next preceding the annual leave year during which annual leave is being granted.'

Calculating Holiday Premium Pay

To calculate holiday premium the total premium pay received by the employee should be divided by the number of contracted hours worked by the employee in a year (this gives the average premium earnings per hour) and multiplied by the number of annual leave days in hours that the employee is entitled to.

For example, a health care assistant who is contracted to work 39 hours per week and has an annual leave entitlement of 23 days would be entitled to the following:

Total premium earnings:	€7,500
Total annual contracted hours	2,028 (39 x 52)
Annual leave entitlement in hours	179.4 (23 x 7.8)

$$(7,500 / 2,028) * 179.4 = \text{€}663.46 \text{ premium pay}$$

An exception to this arrangement is Non Consultant Hospital Doctors who have their annual leave paid on the basis of their average approved rostered overtime as appropriate (please refer to the 2000 NCHD Agreement for further details).

Public Holidays

There are nine public holidays provided for in the Organisation of Working Time Act, as follows:

- Christmas Day
- St Stephen's Day
- St Patrick's Day
- Easter Monday
- The first Monday in May
- The first Monday in June
- The first Monday in August
- The last Monday in October
- The first of January

In respect of each public holiday, an employee's entitlement is as follows:

- a paid day off on the public holiday; or
- a paid day off within a month; or
- an extra day's annual leave; or
- an extra day's pay

as the employer may decide.

Health service employees who work a '5 over 7' roster usually receive nine additional days annual leave in lieu of their liability to work on public holidays.

Qualifying Conditions

All permanent and temporary employees who work on a full-time basis have an immediate entitlement to public holiday benefits. Employees who work on a casual/part-time basis must have worked at least 40 hours during the 5-week period ending on the day before the public holiday to qualify for the public holiday.

Employee Absent from Work Prior to a Public Holiday

An employee is not entitled to a public holiday if s/he is absent from work immediately before the public holiday for one of the following reasons:

- Absence in excess of 52 consecutive weeks by reason of an occupational injury
- Absence in excess of 26 consecutive weeks by reason of an illness or injury (not occupational)
- Absences in excess of 13 consecutive weeks caused by a reason not including injury or illness.
- Absence by reason of a strike
- Absences due to carer's leave (after the first 13 weeks of the leave has elapsed)
- Absences due to health and safety leave under the Maternity Protection Act 1994 and 2004 i.e. an employee **will not** accrue an extra day in lieu of the public holiday to be taken at the end of the health and safety leave period.

Payment and Compensation for Public Holidays

Payment for public holidays is governed by the Organisation of Working Time (Determination of Pay for Holidays) Regulations, 1997. Payment in respect of a public holiday includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime. Additionally many employees in the health service receive premium payments in excess of the statutory requirements.

Public holiday entitlements are implemented in the health service in light of both statutory and contractual provisions as follows:

A) 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 falls but has the day off by virtue of the fact that it is a public holiday is entitled to his/her normal day's pay.

An employee who works a '5 over 7' roster and is scheduled to work on the day on which the public holiday falls is entitled to payment for hours worked plus single time extra for each of those hours. S/he is also entitled to an additional day's annual leave² or an additional day's pay based on 1/5 of his/her standard working week in respect of his/her statutory entitlement for the public holiday³.

An employee who works a '5 over 7' roster and whose scheduled day off is the day on which the public holiday falls is entitled to an additional day's leave based on 1/5 of his/her standard working week in respect of his/her statutory entitlement to a public holiday.

B) 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 only rostered to work on particular days), is entitled one-fifth of his/her normal weekly pay. (Such employees must however have worked 40 hours in the 5 weeks ending on the day before the public holiday to qualify for this entitlement.)

C) Job-Sharers – Monday to Friday

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, the appropriate rate in respect of the public holiday is the sum that is equal to one-tenth of the sum that is paid in respect of the last 2 weeks of normal working hours worked by the employee before that public holiday.

Public Holidays and Sick Leave

Where an employee is scheduled to work but absent due to illness or injury on a day on which the public holiday falls, the day in question should be recorded as a public holiday and the payment for the public holiday* should not be offset against the employee's total sick pay entitlement.

Health service employees who have a liability to work on public holidays (e.g. nurses who work a '5 over 7' roster) but who are ill on the day continue to receive an additional nine days' annual leave in lieu of this liability.

Note

- An employee who is absent on statutory maternity, additional maternity leave, adoptive leave, additional adoptive leave or parental leave continues to accrue an entitlement to public holidays.
- Payment is the number of hours the employee would have worked had the day not been a public holiday.
- In the health service public holiday work is normally defined as any roster which commences between midnight on the eve of the public holiday and midnight on the public holiday.
- Payment in respect of a public holiday includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime.

Termination of Employment

Where the employment terminates during the week ending on the day before a public holiday and the employee has worked during the 4 weeks preceding that week, the employee is entitled to be paid in respect of that holiday.

e.g. if Christmas Day (25th December) falls on a Friday and the employee terminated his/her employment on the previous Friday (18th December), or any time within that period, then s/he would still be entitled to payment for the public holiday provided s/he also worked during the four weeks preceding the week commencing the 18th December.

² Employees who work a '5 over 7' roster normally receive an additional nine days' annual leave in lieu of their liability to be rostered on public holidays.

³ As an exception to the above in some locations the public holiday entitlement for psychiatric nurses and ambulance personnel reflects their normal working day.

Sick Leave

There are two sick pay schemes in the HSE, one for officers and one for support staff. The granting of sick pay is discretionary and subject to compliance with the sick leave procedure.

Officers Sick Pay Scheme

The sick pay scheme which applies to "officer grades" in the HSE is based on the provisions set out in [Department of Health Circular No.10/71](#).

Salary during sick leave may be paid to officers in accordance with the following provisions:

- a) except in the case mentioned in sub-paragraph (d) no salary shall be paid to an officer when the sick leave granted to such an officer during any continuous period of four years exceeds in the aggregate 365 days.
- b) Subject to limitation mentioned in sub-paragraph (a), salary may be paid to an officer at the full rate in respect of any days sick leave unless, by reason of such payment the period of sick leave during which such officer has been paid full salary would exceed 183 days during the twelve months ending on such day.
- c) Subject to the limitation mentioned in sub-paragraph (a) salary may be paid at half the full rate after salary has ceased by reason of the provision in sub-paragraph (b) to be paid at the full rate.
- d) If before the payment of salary ceases by reason of the provision in sub-paragraph (a) the Minister so consents, salary may be paid to a pensionable officer with not less than five years service notwithstanding the said sub-paragraph (a) at either half the full rate or at a rate estimated to be the rate of pension to which such officer would be entitled on retirement, whichever of such rates shall be the lesser.
- e) For the purposes of these provisions, every day occurring within a continuous period of sick leave shall be reckoned as part of such period*.

The sick pay provisions under Circular 10/71 may be extended in the following circumstances:

TB

Where an officer is suffering from tuberculosis (TB) and is undergoing treatment, sick leave may be extended to allow the payment of salary at three quarters the full rate to the officer for the second six months of his / her illness and at half the full rate during the third six months of illness.

Nurses who are absent due to MRSA

Nurses who are required to remain absent from work due to MRSA (based on infection control advice) may be granted sick pay as follows:

- Full pay for the first six months of absence
- Three quarters of full pay for the second six months
- Half of full pay for the third six months

c.f. [HSE-EA letter dated 30th November 2006](#)

Officers Employed on Fixed-term Contracts

Officers employed on fixed-term contracts are entitled to the same sick pay as permanent employees on a pro-rata basis; e.g. where a permanent officer is entitled to six months full pay and six months half pay in a four year period, an officer employed on a fixed-term one year contract would be entitled to one quarter of this entitlement.

Undergraduate nursing/midwifery students undertaking the continuous thirty six week internship may be granted up to 8 weeks' sick pay during their internship subject to compliance with the sick leave procedure. To meet the mandatory requirement of registration outstanding clinical hours must be completed. For further details please refer to [HSE HR Circular 28/2008](#).

Sick Pay Scheme for Support Staff

Support staff may be granted up to a maximum of 12 weeks' full pay in any period of 12 months, commencing on the first day of illness. All sick leave should be recorded in hours (where conditions are at variance with the above, the employee will retain same on a "personal to holder" basis). Accordingly an employee will cease to be entitled to sick pay when s/he exceeds the maximum threshold of 12 weeks (which equals 468 hours).⁴

Seven days uncertified sick pay in a year may be allowed as part of normal sick pay.

The following provisions were agreed as part of the PCW Productivity/Flexibility Agreement for Support Staff Grade (1998):

- Where an employee has established an excellent attendance record over a number of years but becomes incapacitated as a result of a serious illness or injury, the employee's record may be reviewed on an individual basis. Consideration may be given, where appropriate, to extending sick pay in such cases up to a maximum of six months' full pay in a year. The granting of such extra sick leave must be based on the merits of the particular case and generally will be extended to an individual on one occasion only.

Note

In all cases social welfare benefits to which the employee is entitled will be deducted from sick pay. Employees are required to make the necessary claims for social welfare benefit to the Department of Social and Family Affairs within the required time limits and to comply with whatever requirements are laid down by that Department as a condition of claiming benefit.

Part-time Employees – Recording of Absences

Absences for part time employees are calculated as a percentage of their contracted hours referenced to a calendar week of the whole-time equivalent, i.e. they have a pro rata entitlement to the whole time equivalent:

Example 1

An employee is contracted to work 16 hours per week. If s/he is absent on the day s/he was scheduled to attend for a four-hour roster, this equates to 25% of his/her working week. This period of sick leave should therefore be recorded as 25% of a calendar week.

Example 2

An employee is contracted to work 24 hours per week, worked as two shifts of 12 hours each. If s/he is absent on the two days s/he was scheduled to attend, this equates to 100% of his/her working week. This period of sick leave should therefore be recorded as 100% of a calendar week.

Example 3

An employee is contracted to work 30 hours per week, worked as two shifts of 12 hours each and one shift of 6 hours. If s/he is absent on the day that s/he was scheduled to work six hours, this equates to 20% of his/her working week. This period of sick leave should therefore be recorded as 20% of a calendar week.

Part-time Employees – Payment for Sick Leave

Part-time employees are granted sick pay pro rata to the equivalent full-time grade. The rate of sick pay which may be granted is the normal basic wage on a pro rata basis, less social welfare deductions, subject to an overall limit of 100% of their basic pay.

⁴ This provision is contained in the change and modernisation agenda outlined Recognising and Respecting the Role Agreement for support staff issued in December 2003.

Non-Consultant Hospital Doctors

- To qualify for sick pay, NCHDs must have completed six months' service in the public health service.
- During the first twelve months of service, NCHDs may be granted up to 6 weeks' basic pay.
- During the second and third years of service, NCHDs may be granted up to 12 weeks' basic pay.
- On completion of three years' service, NCHDs may be granted sick pay in accordance with the sick pay provisions covering other officer grades.

Pregnancy-related Illness and Sick Pay

The normal rules governing sick leave and the granting of sick pay apply in the case of employees who are certified as medically unfit to attend work due to pregnancy-related illness. However, entitlement to **sick pay at half pay** (less any social welfare benefit to which the employee may be entitled on foot of their social welfare contributions) may be extended in certain circumstances as outlined below:

These revised arrangements apply to both officer grades and general support staff. While the sick pay scheme for support staff does not provide for payment at half pay⁵, for the purposes of pregnancy-related illness the extension to sick pay as provided for in [HSE HR Circular No. 25/2008](#) will be **at half pay** (less any social welfare benefit to which the employee may be entitled on foot of their social welfare contributions).

Sick Pay Entitlements and Pregnancy-related Illness

i) **Pregnancy- related illness occurring before maternity leave commences**

*An employee who is medically certified as unfit for work due to pregnancy-related illness prior to the commencement of maternity leave and who has exhausted her entitlement to sick pay in accordance with the normal sick leave rules, will continue to receive sick leave at **half pay** (less any social welfare benefit to which the employee may be entitled on foot of her social welfare contributions) for the duration of her illness until maternity leave commences.*

*It is important to note that while the sick pay scheme for support staff does not provide for payment at half-pay⁶, support staff who have exhausted their normal sick pay entitlements will also receive the extension to sick pay but at **half pay** only.*

ii) **Illness occurring after maternity leave**

If an employee is unfit for work following maternity leave (irrespective of whether or not the illness is related to pregnancy or childbirth) her entitlement to sick leave at half-pay will be extended by the period of absence due to pregnancy-related illness for which she was in receipt of half pay⁷ under normal sick leave rules i.e. the previous extension to sick pay does not create a further entitlement.

Examples

Example 1 **Officer Grades**

An employee who is absent from work due to pregnancy-related illness exhausts her entitlement to sick leave at full pay on 31 March. She goes on sick leave at half pay from 1 April to 31 May (a total of 61 calendar days) until she commences maternity leave on 1 June. During maternity leave she receives maternity pay under the maternity pay scheme.³

On return to work after maternity leave, the employee goes on sick leave. Her entitlement to sick leave at half pay is extended by the length of time she was absent due to pregnancy-related illness and in receipt of sick leave at half pay under the normal sick leave rules i.e. a total of 61 calendar days.

⁵ Support staff may be granted up to a maximum of 12 weeks' full pay in any period of 12 months, commencing on the first day of illness.

⁶ Support staff may be granted up to a maximum of 12 weeks' full pay in any period of 12 months, commencing on the first day of illness.

⁷ This extension only applies to a pregnancy-related illness which arose prior to the employee's confinement.

Example 2 Officer Grades

An employee goes on sick leave due to pregnancy-related illness at half-pay from 1 January until 31 March (a total of 90 calendar days). At this stage, under normal sick leave rules, she would be due to go off pay on 1 April. However, she continues to receive sick leave at half-pay for the duration of her pregnancy-related illness until she goes on maternity leave on 1 June. Her sick leave entitlement at half-pay therefore is extended by a total of 61 calendar days.

Following maternity leave, the employee goes on sick leave. Her entitlement to sick leave at half-pay is extended by the length of time for which she received sick leave at half pay in accordance with the normal sick leave rules i.e. a total of 90 calendar days (at half pay) is restored to her sick leave entitlement in respect of the period from 1 January to 31 March.

Example 3 General Support Staff

An employee goes on sick leave due to pregnancy-related illness on 1st January. From 1st January to 19th February the employee receives sick leave at full pay in accordance with the sick pay scheme for general support staff. At this stage, under normal sick leave rules, the employee would be due to go off pay. However, as her sick leave is pregnancy-related, the employee remains on sick leave but at half-pay from 20th February until she goes on maternity leave on 1st April.

Following maternity leave, the employee goes on sick leave. If she has exhausted her sick pay entitlements under the normal sick leave rules, she is entitled to have the period of pregnancy-related absence for which she was in receipt of normal sick pay restored to her (i.e. the period from 1st January to 19th February) at the rate of half pay.

Serious Physical Assault Scheme

All employees who are absent from work as a result of a serious physical assault by a patient/client incurred in the course of their duties are covered by the Serious Physical Assault Scheme. Payment is conditional on the assault occurring in the actual discharge of the employee's duties and without his/her own default.

The scheme provides as follows:

- a) Full pay based on the earnings an employee would have earned if still at work and working the hospital/community approved roster.
- b) Such full pay which would include basic pay, allowances and premium earnings may be paid for a period of up to:
6 months for officer grades
3 months for general support staff.
- c) Payment made under (b) above shall be reduced by the amount of social welfare benefit to which the employee is entitled arising from absence due to the injury.
- (d) Salary paid to an employee in the circumstances outlined above will not affect an employee's entitlement under the sick pay scheme.

Special Extensions for Nurses

In the case of nurses the following special extensions to the above scheme apply:

First Special Extension

A medical assessment to review the employee's progress should be carried out no later than six (6) weeks into the period of absence. If it is unlikely that the employee will be fit to return to work within the six-month period covered by the scheme or immediately thereafter, but there remains a reasonable expectation that the employee will return to work, a First Special Extension may be granted up to a maximum period of **three months**.

Second Special Extension

A medical assessment to review the employee's progress should be carried out no later than six (6) weeks into the first special extension. If it is unlikely that the employee will be fit to return to work during the three-month period covered by the First Special Extension or immediately thereafter, but there still remains a reasonable expectation that the employee will return to work, a further final extension may be granted. The second special extension provides for **basic pay only** and is for a maximum period of **three months**.

Refer to the *Revised Serious Physical Assault Scheme for Nurses (2001)* for further details on the operation of the scheme.

Employee's Entitlements following Expiry of Payment under the Serious Physical Assault Scheme

Officer Grades

Following expiry of an employee's entitlement to six months' pay under the Serious Physical Assault Scheme, an employee may be granted sick pay in accordance with the provisions of the normal sick pay scheme for officer grades. If the employee eventually exhausts their entitlement to full pay under the normal sick pay scheme and is still unfit to resume work, consideration may be given at that stage to applying the 5/6ths injury grant, subject to the provisions of the relevant superannuation scheme.

General Support Grades

Following expiry of an employee's entitlement to three months' pay under the Serious Physical Assault Scheme, an employee may be granted sick pay in accordance with the provisions of the normal sick pay scheme for general support staff. If the employee eventually exhausts their entitlement to payment under the normal sick pay scheme and is still unfit to resume work, consideration may be given at that stage to applying the 5/6ths injury grant, subject to the provisions of the relevant superannuation scheme.

Note

In the case of all employees, payment of the injury grant should be conditional on the employee undergoing medical reviews at appropriate intervals to determine their capability to resume work and to identify appropriate measures to facilitate the employee's return to work.

Hospital Expenses

Expenses incurred in respect of hospital /medical charges will be recouped as follows:

- (a) A refund of expenditure incurred in respect of treatment provided by the Irish Public Health Service.
- (b) General Practitioner Casualty and Consultant visits
- (c) Prescription charges

Employees are obliged to claim under medical insurance schemes where appropriate (e.g. V.H.I. Refund of Drug Schemes, etc) and any payments made in respect of hospital/medical expenses will be solely in respect of excess expenditure by the individual. Payments made under this scheme do not confer any admission of liability on the part of the employer.

Maternity Leave

Introduction

The Maternity Protection Act 1994 and 2004 provides protection for all pregnant employees, employees who have recently given birth or who are breastfeeding. There are no service qualifications.

Maternity Leave

Employees are entitled to 26 weeks maternity leave (paid), subject to compliance with the statutory notification requirements.

A pregnant employee can begin and end her maternity leave on any day she selects but must:

- take a minimum of two weeks leave before the end of the expected week of confinement
- take 4 weeks leave after the end of the expected week of confinement.

Additional Maternity Leave

An employee is entitled to take 16 weeks' (unpaid) additional maternity leave immediately after the end of ordinary maternity leave.

Payment while on Maternity Leave

While the maternity protection legislation does not protect the employee's entitlement to remuneration during maternity leave, the health service operates a maternity pay scheme as follows:

All employees on maternity leave are entitled to their basic pay plus normal fixed allowances less any maternity benefit to which they may be entitled on foot of their social welfare contributions. This does not include additional amounts due to nightwork, overtime, shiftwork, working unsociable hours, standby or on-call allowances.

Part-time employees with regular weekly hours of attendance are entitled to their normal basic pay (exclusive of unsocial hours premium payments, overtime, on-call/standby allowances).

Part-time employees with varying weekly hours of attendance ("if and when required") are entitled to their average weekly pay, (exclusive of unsocial hours premium payments, overtime, on-call/standby allowances), calculated over the previous 13 weeks.

Fixed-term Contracts

Employees on fixed term contracts are covered by the Maternity Protection Act for the duration of their contract and are entitled to receive maternity pay. However should the fixed term contract expire before the end of the maternity leave the employee's contract of employment will have come to an end and the employee will no longer be covered by the maternity protection legislation or be eligible for maternity pay.

The exception to this rule are NCHDs who are entitled to receive maternity pay from their employer for the full 26-week period, even if their contract expires prior to the end of their maternity leave.

Undergraduate Nursing/Midwifery Students Undertaking the Continuous Thirty-six Week Internship ([HSE HR Circular No. 28/2008](#))

Students who are pregnant during the course of the paid internship may avail of maternity leave in accordance with the Maternity Protection Acts 1994 and 2004. Students on maternity leave may continue to receive payment up until the date the internship was due to expire.

The student will be entitled to return to complete the internship with pay at the end of the maternity leave and complete the outstanding clinical hours in order to fulfil the mandatory requirements of registration.

Department of Health Circular No. 10/71. In the event of a stillbirth occurring after the 24th week of pregnancy, an employee is still entitled 26 weeks maternity leave.

Late Births

If the baby's late birth means that an employee has less than four weeks maternity leave remaining after the week in which her baby was born, then she may extend her maternity leave to ensure she has a full four weeks off following the week of the birth.

Early Births

In the event of a pregnant employee's date of confinement occurring more than two weeks before it is expected and if the employee has not already commenced maternity leave, she is entitled to take 26 weeks maternity leave from that point.

Maternity Leave – Notification Requirements

An employee must notify her employer of her intention to take maternity leave at least four weeks before the leave is due to commence.

Application for additional maternity leave should be made either at the time of the initial application or in writing not later than 4 weeks before the end of the maternity leave.

If an employee changes her mind about taking maternity leave she may revoke the notice by sending a further written notice to her employer.

Death of Mother – Father's Entitlement

If a woman who has been delivered of a living child dies at any time before the expiry of the fortieth week following the week of her confinement, the father of the child shall be entitled to paid leave from his employment for a period ending as follows:

- (a) if the mother dies before the expiry of the twenty-fourth week following the week of her confinement, the period ends at the end of that twenty-fourth week, and
- (b) if the mother dies at any time after the expiry of that twenty-fourth week at the end of the fortieth week following the week of her confinement.

Additionally a father who has taken leave as outlined in (a) above shall, if he so wishes be entitled to further unpaid leave from his employment for a maximum period of 16 consecutive weeks.

The leave may be postponed in the event of hospitalisation of the child or terminated in the event of the sickness of the father in line with similar provisions for the mother as outlined.

Leave to which the father is entitled must commence within 7 days of the mother's death.

c.f. S.I. No 51 of 2006 Maternity Protection Act 1994 (Extension of Periods of Leave) Order 2006

Ante-Natal and Post-Natal Medical Care

An employee is entitled to time off work without loss of pay to attend ante-natal and post-natal **medical** visits. Time off includes the time required to travel to and from the appointment. The employee must notify her employer in writing of the date and time of the appointment as soon as is practicable and in any event not later than two weeks before the date of the appointment.

Time off for Ante-Natal Classes

A pregnant employee is entitled to time off work without loss of pay to attend one set of ante-natal classes (except for the last 3 classes). This right to attend only one set of antenatal classes covers all an employee's pregnancies while in employment. If, for any reason, the employee is unable to attend some classes due to circumstances beyond her control including:

- miscarriage
- stillbirth
- premature birth
- illness of the employee

then the employee can carry over her entitlement to paid time off work to attend any untaken classes (excluding the last 3 classes) to her next pregnancy.

Expectant fathers have a once-off entitlement to paid time off work to attend the last two ante-natal classes immediately prior to the birth.

Ante-Natal Classes – Notification Requirements

The employee must notify her or his employer in writing of the dates and times of these classes as soon as is practicable and in any event not later than two weeks before the first class. If the employer wishes the employee may be required to provide the appropriate documentation outlining the dates and time of classes.

Health and Safety Leave

Pregnant employees, employees who have recently given birth and employees who are breast-feeding may be entitled to take Health and Safety leave in certain circumstances.

Risk Assessment

The Safety, Health and Welfare at Work (General Application) Regulations 2007 requires employers to assess the workplace for risks to safety or health of any pregnant employees, employees who have recently given birth or who are breastfeeding. If a risk is identified and it is not practicable to take protective or preventative measures, the employee's working conditions or working hours must be temporarily adjusted. If this is not possible, the employee must be given suitable alternative work. If no such work is available, the employee should be granted health and safety leave.

Where an employee has a medical certificate stating that for health and safety reasons she is not required to perform night work during the pregnancy or for 14 weeks afterwards, the employer must remove her from night work by either transferring her to day time duties or, if this is not feasible, granting the employee leave. "Night Work" is defined as work in the period between 11.00 p.m. and 6.00 a.m. the next following day, where (a) the employee works at least three hours (not necessarily consecutive) in that period as a normal course, or (b) where at least 25% of the employee's working time is performed between those times.

Payment during Health and Safety Leave

An employee on health and safety leave is entitled to full basic pay plus any allowance normally paid from the employer for the first 21 calendar days of leave. Pay does not include additional amounts an employee would receive for night-work, shift-work, overtime, working unsociable hours, standby or on-call allowances.

An employee whose health and safety leave extends beyond 21 days may be entitled to health and safety benefit from the Department of Social and Family Affairs, subject to her P.R.S.I. contributions.

Postponement of Leave Due to Hospitalisation of Child

An employee may postpone the period of maternity leave / additional maternity leave (subject to the agreement of her employer) in the event of the hospitalisation of the newborn child. Leave may only be postponed after 14 weeks maternity leave has been taken. These provisions apply to the father of the child, where the father is taking maternity leave in the place of the mother.

The decision to postpone the maternity leave or additional maternity leave is subject to the agreement of the employer. If the employer does agree to postpone the leave, then the employee concerned must return to work on the date agreed between both parties. The remaining leave is postponed and the employee will be entitled to take "resumed leave" not later than seven days after the discharge of the child from hospital. The remaining leave must be taken in one block.

The maximum period of postponement of leave will be 6 months from the return to work date. The employer may require an employee to provide a letter from the hospital in which the child is hospitalised, confirming the hospitalisation. The employer may also require a letter, or other appropriate documentation, from the hospital or the child's GP confirming that the child has been discharged from the hospital in order to allow the employee to commence their postponed leave.

Protection of Employment Rights

- **Maternity Leave and Additional Maternity Leave**
During maternity leave and additional maternity leave, an employee is treated as if she was still at work and therefore continues to accrue all rights (except the right to remuneration and superannuation) during this period⁸. This includes the right to annual leave and public holidays, incremental credit, seniority, etc.
- **Health and Safety Leave**
During health and safety leave, an employee is treated as if she was still at work and continues to accrue entitlements based on actual service. However, she has no entitlement to any public holidays that may occur during this period.
- **Sick Leave and Annual Leave**
Absence from work on maternity leave may not be treated as part of any other leave, including sick leave or annual leave, to which an employee is entitled.
- **Public Holidays**
An employee's maternity leave is extended by the number of public holidays which fall during the period of such leave (with the exception of health and safety leave).
- **Probation, training and apprenticeships**
All periods of probation, training and apprenticeship that are interrupted by protective leave are suspended until the end of the leave.
- **Return to Work**
An employee who has been absent on maternity leave is entitled to return to the same job as previously held, under the same contract of employment.

Where it is not reasonably practicable to permit an employee to return to her previous job, she is entitled to 'suitable alternative work' which should not be substantially less favourable in terms of pay, responsibility, etc.

The employee's right to return to work is conditional on giving written notification of intention to return to work.

Breastfeeding Facilities

Breastfeeding mothers who have given birth within the previous 6 months have an entitlement, without loss of pay, to either an adjustment of working hours to allow them to breastfeed their child, or where breastfeeding facilities are provided by the employer the employee is entitled to breastfeeding breaks. These breaks may be taken in the form of:

- One break of 60 minutes
- Two breaks of 30 minutes each
- Three breaks of 20 minutes
- Or in such other manner as agreed between her and her employer

If no breastfeeding facilities exist the employee may reduce her working day by 1-hour and that reduction may comprise of:

- One period of 60 minutes
- Two periods of 30 minutes each
- Three periods of 20 minutes
- Or in such other manner as agreed between her and her employer

⁸ When further father's leave is taken where the mother has died, the same conditions apply.

Adoptive Leave

Introduction

All employees are covered by the Adoptive Leave Acts 1995 and 2005, which provides a range of entitlements for adopting parents.

Adoptive leave may be granted to the following:

- All adopting mothers under a contract of employment;
- All sole male adopters under a contract of employment;
- All adopting fathers under a contract of employment where the adopting mother has died before or during the period for adoptive leave or additional adoptive leave.

Adoptive Leave Entitlements

An employee is entitled to 24 consecutive weeks' (paid) adoptive leave and 16 consecutive weeks' additional (unpaid) adoptive leave subject to compliance with the notification requirements.

In the case of a foreign adoption, some or all of the 16 weeks' additional adoptive leave may be taken immediately before the date of placement.

The adopting mother / father and employer may agree to terminate unpaid additional adoptive leave in the event of her illness thereby allowing the employee to transfer onto paid sick leave. However, the employee will not be entitled to resume their additional adoptive leave after this period of sick leave.

Additional Adoptive Leave

An employee is entitled to take 16 weeks' (unpaid) additional maternity leave immediately after the end of ordinary maternity leave.

Notification Requirements

An employee must give at least 4 weeks notice, before the expected day of placement of the child, of his / her intention to take adoptive leave. If the day of placement is postponed the leave may be postponed until the new day of placement.

Application for additional adoptive leave should be made not later than 4 weeks before the end of the paid adoptive leave.

Payment while on Adoptive Leave

While the adoptive leave legislation does not protect the employee's entitlement to remuneration, the health service operates an adoptive pay scheme as follows:

All employees on adoptive leave are entitled to their basic pay plus normal fixed allowances less any adoptive benefit to which they may be entitled on foot of their social welfare contributions. This does not include additional amounts due to nightwork, overtime, shiftwork, working unsociable hours, standby or on-call allowances.

Part-time employees with regular weekly hours of attendance are entitled to their normal basic pay (exclusive of unsocial hours premium payments, overtime, on-call/standby allowances).

Part-time employees with varying weekly hours of attendance ("if and when required") are entitled to their average weekly pay, (exclusive of unsocial hours premium payments, overtime, on-call/standby allowances), calculated over the previous 13 weeks.

No payment is made in respect of additional adoptive leave.

Protection of Employee Rights

Absence from work on adoptive leave is both continuous and reckonable.

During the additional adoptive leave, the employee is treated as if she was still at work and therefore continues to accrue all rights (except the right to remuneration and superannuation) during this period⁹. This includes the right to annual leave and public holidays, incremental credit, seniority, etc.

Absence from work on adoptive leave or additional adoptive leave may not be treated as part of sick leave, annual leave or any other leave to which an employee is entitled.

An employee on statutory adoptive leave is entitled to his/her basic rate of pay, less social welfare benefit.

Attendance at Pre-adoption Classes and Meetings

Adopting parents are entitled to time off during work hours without loss of pay to attend preparation classes and pre-adoption meetings with social workers/ Health Service Executive officials required during the adoption process¹⁰.

Return to Work

An employee who has been absent on maternity leave is entitled to return to the same job as previously held, under the same contract of employment.

Where it is not reasonably practicable to permit an employee to return to her previous job, she is entitled to 'suitable alternative work' which should not be substantially less favourable in terms of pay, responsibility, etc.

The employee's right to return to work is conditional on giving written notification of intention to return to work.

Postponement of Adoptive Leave or Additional Adoptive Leave in Event of Hospitalisation of Child

Under the Act an employee may, if the adopted child is in hospital and the employee is entitled to or is on adoptive leave or additional adoptive leave, apply to the employer to postpone:

- part of the adoptive leave
- part of the adoptive leave not taken and the additional adoptive leave or
- the additional adoptive leave or part of it not taken.

The decision to postpone the adoptive leave or additional adoptive leave is subject to the agreement of the employer. If the employer does agree to postpone the leave, then the employee concerned must return to work on the date agreed between both parties. The remaining leave is postponed and the employee will be entitled to take "resumed leave" not later than seven days after the discharge of the child from hospital or such other date as may be agreed between the employee and the employer. The remaining leave must be taken in one block.

The maximum period of postponement of leave will be 6 months from the return to work date. The employer may require an employee to provide a letter from the hospital in which the child is hospitalised, confirming the hospitalisation. The employer may also require a letter, or other appropriate documentation, from the hospital or the child's GP confirming that the child has been discharged from the hospital in order to allow the employee to commence their postponed leave.

If an employee who postpones her/his adoptive leave becomes ill after returning to work and before taking "resumed leave" she/he may be considered to have started her resumed leave

⁹ When further father's leave is taken where the mother has died, the same conditions apply.

¹⁰ This applies only to pre-adoption classes and meetings within the State.

on the first day of absence because of illness. Alternatively, she may choose to forfeit her right to resumed leave and have her leave treated in the normal manner under the sick pay scheme.

Death of Adopting Mother – Adopting Father’s Entitlement

Adopting fathers (under a contract of employment) where the adopting mother dies before the date of placement are entitled to the 24 weeks of paid adoptive leave.

Where the adopting mother dies on or after the day of placement, adopting fathers are entitled to 24 weeks paid adoptive leave less the period beginning on the day of placement and ending on the date of the mother’s death ie: the balance of the leave.

Where the adopting mother dies before the expiration of the 24h week following the date of placement, an adopting father has an overall entitlement to 16 weeks unpaid leave.

If an adopting mother dies on or after the expiration of 24 weeks from the date of placement, the adopting father has an overall entitlement to 16 weeks unpaid leave less the period between the date of that expiration and the date of the mother’s death.

Paternity Leave

A male employee is entitled to three days special leave with pay on the birth of his child. This leave may be taken at the time of the birth or up to four weeks after the birth.

Job-sharers and other employees with flexible working arrangements are entitled to paternity leave on a pro rata basis.

In the case of adoption, the leave may be taken on or up to four weeks after the date of placement of the child.

In respect of stillbirths, which occur after the 24th week of pregnancy, fathers are entitled to paternity leave.

In the cases where two or more children are born or two or more children are adopted, the entitlement to paternity leave will be three days for each child, e.g. where twins are born the father is entitled to six days paid leave.

c.f. [Department of Health & Children Circular No. 153/2000](#)

Parental Leave

The Parental Leave Act 1998 and 2006 provides an entitlement for men and women to avail of unpaid leave from employment to enable them to take care of young children.

All employees who are the natural or adoptive parents of a child or who are acting in *loco parentis* in respect of a child are entitled to parental leave of 14 weeks to enable them to take care of the child. In the case of multiple births, an employee is entitled to 14 weeks' leave for each child of the multiple birth.

In general, a period of parental leave must end not later than the day on which the child attains the age of **8 years**.

If a child was adopted between the age of six and eight, leave in respect of that child may be taken up to two years after the date of the adoption order.

The maximum age of a child in respect of whom employees may take parental leave is 16 years in the case of a child with a disability. A disability is defined under the Act as "*an enduring physical, sensory, mental health or intellectual impairment of the child such that the level of care that is required for the child is substantially more than the level of care that is generally required for children of the same age who do not have any such impairment*".

Parental leave entitlements may be transferred from one parent to another if both parents are employed by the same employer, subject to the employer's agreement.

Generally the employee must have at least one year's continuous service with the employer before s/he is entitled to taken parental leave. However, where the child is approaching the age threshold and the employee has more than three months' but less than one year's service with the employer, s/he shall be entitled to *pro rata* parental leave. In such a case the employee will be entitled to one week's leave for every month of continuous employment completed with the employer when the leave begins.

Notification of Parental Leave

An employee must give written notice to the employer of his or her intention to take parental leave, not later than six weeks before the employee proposes to commence the leave.

Manner in which Parental Leave May be Taken

Parental leave may consist of the following:

- (a) A continuous period of 14 weeks, or
- (b) An entitlement to take the 14 weeks parental leave in separate blocks of a minimum of 6 weeks, or
- (c) With the agreement of the employer and the employee, a number of periods, each of which comprises:
 - (i) one or more days on which the employee would normally be scheduled to work, or
 - (ii) one or more hours during which the employee would normally be scheduled to work, or
 - (iii) a combination of the above.

The total number of hours due to the employee for parental leave purposes is calculated as follows:

Where an employee takes parental leave in separate blocks or by working reduced hours, parental leave is such that the number of hours which, but for the leave, the employee would be working equals:

the number of hours worked by the employee in a continuous period of 14 weeks before the commencement of leave (as may be determined by the employer and the employee),

or

if the employee and employer fail to determine a 14 week period, 14 times the average number of hours per week worked by the employee in each of the periods of 14 weeks

ending immediately before the beginning of each week in which s/he takes any of the leave.

In determining a period of 14 weeks, holidays (including public holidays) to which the employee is entitled or days on which s/he is absent from work on sick leave, maternity leave, adoptive leave or *force majeure* leave are excluded, and a corresponding number of days immediately before the commencement of the period of parental leave is included. Time spent on parental leave itself is deemed to be time worked.

Part-time employees are entitled to parental leave on a pro rata basis.

Salary Deductions

- (i) Establish net weekly working hours, i.e. working day less unpaid meal breaks, e.g. 9 to 5 with one hour lunch break = 7 hours. Net weekly working hours = 35 hours.
- (ii) Reduce basic salary by number of working hours taken as parental leave
- (iii) The employee continues to receive payment in full for unsocial hours actually worked in the pay period.

Protection of Employment Rights

An employee on parental leave is entitled to be treated as if s/he had not been absent, so that all his/her employment rights, except the right to remuneration and superannuation benefits, will be unaffected during the leave.

Employees retain an entitlement to any public holidays which fall during a period of parental leave. The Act provides that a corresponding number of days *in lieu* of public holidays shall be added to the end of the period of leave.

An employee who falls ill while on parental leave and as a result is unable to care for the child may suspend the parental leave for the duration of the illness. The employee will resume parental leave following the period of sick leave.

Absence from work on parental leave must not be treated as part of any other leave to which the employee is entitled (i.e. annual leave, adoptive leave, maternity leave and *force majeure* leave).

Periods of probation, training or apprenticeship may be suspended during the period of parental leave.

Postponement of Parental Leave

Parental leave may be postponed where the granting of leave for the period requested would create operational difficulties owing to the unavailability of a person to carry out the employee's duties, the nature of those duties or the number of employees who are availing of leave during that period. Postponement of parental leave is subject to the employee being permitted to take the leave not later than 6 months after the date on which s/he had proposed to take leave. The employer must consult with the employee before postponing the leave. Parental leave in respect of a particular child may not be postponed more than *once*.

Note

An employer cannot postpone parental leave once the confirmation document has been signed by both parties.

The employee must receive written notification of the postponement at least 4 weeks before the date on which s/he had intended to commence leave. The notice should also specify the reasons for the postponement and the new date of commencement.

The provision requiring parental leave to be taken before the child exceeds the age limit is waived in the event that postponed parental leave would breach these restrictions.

Force Majeure Leave

The Parental Leave Act also makes provision for “force majeure” leave, which allows an employee to take immediate time off from work in the event of an unforeseen injury or illness of a close family member where the presence of the employee is indispensable.

Entitlement

The maximum force majeure leave that may be availed of is 3 working days in 12 consecutive months or 5 working days in 36 consecutive months.

Force majeure leave may be granted in respect of the following persons:

- a person of whom the employee is the parent or adoptive parent;
- the spouse of the employee or a person with whom the employee is living as husband and wife;
- a person to whom the employee is in loco parentis;
- a brother or sister of the employee; and
- a parent or grandparent of the employee.

There is no minimum service requirement for entitlement to force majeure leave.

Force majeure leave may consist of one or more working days.

Where an employee is absent from work for only part of the day, this should still be counted as one day of force majeure leave.

A force majeure leave day is normally based on the length of the day that the employee is rostered to work on the day, e.g. if a person is rostered to work 9 hours on the day that they had to take force majeure leave this would be considered one day’s force majeure leave. The same would also apply if the person was rostered to work for four hours on the day.

Protection of Employment Rights

An employee on *force majeure* leave is entitled to be treated as if s/he had not been absent so that all his/her employment rights will be unaffected during the leave. The employee receives the pay which would have applied on that day.

Absence from work on *force majeure* leave must not be treated as part of any other leave to which the employee is entitled (i.e. sick leave, annual leave, adoptive leave, maternity leave and parental leave).

Carer's Leave

The Carer's Leave Act 2001 entitles employees to avail of temporary unpaid leave from their employment to enable them to personally provide full-time care and attention for a person who is in need of such care, i.e. the relevant person. The period of leave to which an employee is entitled is subject to a maximum of 104 weeks in respect of any one care recipient. An employee may work up to a maximum of 15 hours per week during carer's leave¹¹ or may attend an educational or training course or take up voluntary or community work for up to 15 hours per week.

Service Requirement

The Act applies to all employees who have completed at least 12 months' continuous service with the employer from whose employment the leave is taken before the commencement of the leave. There is no hours threshold.

'Relevant Person'

The relevant person is a person who is deemed to be in need of "full-time care and attention" by the Department of Social, Community and Family Affairs. This means that the person being cared for must be so disabled as to require:

- Continuous supervision and frequent assistance throughout the day in connection with his / her normal personal needs, e.g. help to walk and get about, eat, drink, wash, bathe, dress etc.
- Continuous supervision in order to avoid danger to him / herself.

The employee is required to apply to the Department of Social, Community and Family Affairs, which will determine whether s/he is eligible for carer's leave.

Entitlement to Carer's Leave

An employee must fulfil the following criteria before they are eligible to apply for Carer's Leave:

- He / she must have completed at least 12 months continuous service with his / her current employer before the commencement of the leave
- The employee must intend to take the leave for the purpose of personally providing full-time care and attention for a person who is in need of such care for the duration of the leave.
- The person receiving full time care and attention must be objectively assessed and deemed to be in need of full time care by a deciding officer from the Department of Social, Community and Family Affairs.
- Only one employee may be on carer's leave in respect of any one relevant person, at any one time.
- An employee will generally not be permitted to be on Carer's Leave in respect of more than one relevant person at any one time. However, *on one occasion only*, an employee may commence leave in respect of a relevant person, while already on leave in respect of another relevant person, where the **two relevant persons reside together**.

¹¹ An employee who avails of this provision to work up to 15 hours per week will receive entitlements on a pro rata basis i.e. remuneration, superannuation, annual leave and public holidays (after the first 13 weeks) etc.

Notification Requirements

An employee is required to give at least 6 weeks notice in writing of his / her intention to avail of Carer's Leave, except in emergency circumstances where it is not reasonably practicable to do so.

A statement of notice must contain the following information:

- The date on which the employee intends to commence the leave
- The duration of the leave
- The manner in which the employee proposes to take the leave
- A copy of the decision of the deciding officer (or appeals officer) from the Department of Social, Community and Family Affairs, confirming that the relevant person has been medically certified as being in need of full time care.
- The employee's signature and date.

Manner in which Carer's Leave may be Taken

The Act provides that the leave should be taken in one of the following ways:

- One continuous period of 104 weeks; or
- One of more periods, the total duration of which amounts to not more than 104 weeks.

Where the employee wishes to take Carer's Leave over a number of broken periods the following conditions apply:

- The minimum statutory entitlement that may be taken in one period at the discretion of the *employee* is 13 weeks.
- An employer may refuse, *on reasonable grounds* given to an employee in writing, to permit an employee to take carer's leave for any period of *less than* 13 weeks.
- There must be a gap of at least 6 weeks between periods of carer's leave taken in respect of the same relevant person.
- An employer and employee may agree arrangements for carer's leave on terms more favourable to the employee.
- The Act requires an employee to notify his / her employer of any change of circumstances that affect his / her entitlement to Carer's Leave.

Taking Carer's Leave for Another Relevant Person

An employee who wishes to avail of carer's leave for another relevant person must generally wait for a period of 6 months after the date of termination of the leave in respect of the previous relevant person.

Confirmation of Carer's Leave

A "confirmation document", (which outlines the date on which the leave period will commence and the duration of the leave period) must be prepared and signed by the employer and employee not less than 2 weeks before the leave is due to commence.

Revocation of Notice

An employee who wishes to revoke the notice of his / her intention to take Carer's Leave must do so in writing prior to the date of the confirmation document.

Alterations to the Confirmation Document

An employer and an employee may agree, after the date of the confirmation document, to postpone or curtail the leave, or vary the form in which it will be taken. Where this occurs the confirmation document should be amended to reflect the changes.

Protection of Employment Rights

During an absence on carer's leave, an employee is regarded as still working for all purposes relating to his / her employment, and all of his / her employment rights will be unaffected during the leave, with the following exceptions:

- There is no right to remuneration and superannuation benefits.
- He / she will accrue annual leave and public holiday entitlements for the first 13 weeks of the leave only.
- A period of probation or an apprenticeship may be suspended during carer's leave.
- Periods of carer's leave cannot be treated as any other type of leave, e.g. sick leave, annual leave, adoptive leave, maternity leave, parental leave or *force majeure* leave.

Employers are precluded from penalising an employee for exercising his / her rights under the Act, which includes dismissal of the employee, unfair treatment of the employee (including selection for redundancy), and an unfavourable change in the conditions of employment of the employee.

Termination of Carer's Leave

The Act provides that a period of Carer's Leave shall terminate as follows:

- On the date specified in the confirmation document.
- On a date agreed between the employer and the employee.
- Where the person being cared for ceases to require full-time care and attention, e.g. where their condition improves sufficiently as to no longer render them to be in need of full time care and attention.
- Where an employee no longer satisfies the requirements for the provision of full time care and attention for the purposes of the Act.
- Where a deciding officer makes a decision against an employee.
- Where the relevant person dies during a period of Carer's Leave, the employee will return to work either six weeks after the death or on the date specified on the confirmation document (whichever is earlier).

Return to Work

An employee who is on Carer's Leave must notify his / her employer of his / her intention to return to work *not less than four weeks before the date on which that employee is due to return to work.*

An employee is entitled to return to work at the end of the Carer's Leave to the job that he / she had held immediately prior to the leave, under the same terms and conditions of employment. If it is not reasonably practicable for an employer to allow an employee to return to the job held immediately prior to the leave, the employer must offer the employee suitable alternative employment under a new contract of employment, the terms of which cannot be substantially less favourable to the employee.

Disputes

An employee may refer a dispute in relation to an entitlement under the Carer's Leave Act 2001, or any matter arising out of such an entitlement, to a Rights Commissioner. A claim must be made in writing within 6 months of the occurrence of the dispute.

Either party may appeal against a decision of a Rights Commissioner to the Employment Appeals Tribunal. An appeal is made by giving written notice to the Tribunal within 4 weeks of the date of the Rights Commissioner's decision. The Tribunal may, if it considers it reasonable to do so, having regard to all the circumstances, extend this time limit by a further six weeks.

Carer's Benefit

An employee may be entitled to receive carer's benefit during carer's leave. Further details may be obtained by the employee from the Department of Social and Family Affairs.

Special Leave with Pay on Marriage

All employees may be allowed up to a maximum of five days' special leave with pay when they marry, provided the amount of special leave granted for this purpose together with the annual leave allowance in respect of the leave year in which the marriage takes place does not exceed a total of 24 days or hourly equivalent, (or where appropriate a pro-rata entitlement) excluding any annual leave carried over from the previous year.

c.f. [Department of Health Circular No. S116/48](#)
& [Department of Health and Children Circular dated 11 July 1997](#)

Compassionate Leave

Compassionate Leave may be granted to employees as follows:

- Up to a maximum of **three working days** may be granted on the death of an immediate relative, or, in exceptional circumstances, on the death of a more distant relative (e.g., where the employee has to take charge of funeral arrangements or has lived in the same house as the deceased).
- An immediate relative means a father, mother, brother, sister, father-in-law, mother-in-law, child or spouse
- On the death of a spouse or child, the maximum number of days may be increased to five.
- Extra days may also be allowed where an immediate relative dies abroad and the employee has to go abroad to take charge of the funeral arrangements.

Where an employee has exhausted his/her annual leave allowance and is confronted with a serious or sudden illness of an immediate relative (or, in exceptional circumstances, a distant relative), special leave with pay up to a maximum of 3 days may be granted. In the case of a spouse or child, the maximum number of days may be increased to five.

Jury Service

The Juries Act, 1976 provides that every citizen aged between 18 and 70 years who is entered in the Dail Electoral Register may be called for jury service, with the following exceptions:

Certain professional categories are excused as of right, including:

- Nurses;
- Dentists;
- Pharmacists; and
- Medical Practitioners

An employee who has served (or attended to serve) on a jury in the previous three years may be excused by the county registrar. A judge may also excuse a juror from service for a period of time.

Employers have a duty to allow employees to attend for jury service. However, if it is not possible due to service requirements to allow the employee to attend, s/he may be granted a certificate from the appropriate manager, stating that it would be contrary to the public interest for him/her to serve as a juror because s/he performs essential and urgent services of public importance that cannot reasonably be performed by another or postponed.

An employee is treated as employed during any period s/he is complying with a jury summons. Thus, an employee is entitled to pay (basic plus any regular allowances e.g. long-term acting up and continuous location allowances) and continues to accrue entitlements to annual leave, incremental credit, etc, while on jury service.

Career Breaks

An employee can be granted a career break for any of the following reasons:

- domestic reasons, e.g. child-rearing;
- educational purposes, e.g. to attain a post-graduate qualification;
- foreign travel.

All employees who have completed their probation period are eligible to apply for a career break. Employees who are still on probation may be granted a career break in exceptional circumstances, e.g. to cope with unusual domestic difficulties, however their period of probation is extended by the length of the career break.

An employee's application may be refused where it is considered that the granting of a career break would have a detrimental effect on the service.

General Conditions

The minimum period for a career break is one year (except where leave is required to cope with unusual domestic difficulties) and the maximum period is five years. An employee may take a career break immediately following a period of special leave with nominal pay provided the combined leave does not exceed five years.

Replacement of Employees on Career Break

Vacancies arising from the granting of a career break may be filled on a temporary basis and are subject to NEMU approval.

Granting a Career Break

Following a request to avail of the Career Break Scheme, an employee should be given a copy of the terms and conditions governing the Scheme. Following a decision to grant the career break, the employee should be advised in writing that approval is conditional on the employee complying with the terms and conditions governing the Scheme. This letter should highlight the following conditions:

- During the career break an employee is not permitted to work for another employer within the Irish state. An employee who breaches this provision may have his or her employment terminated.
- The employee must apply in writing to return to work at least 3 months before his/her proposed date of return
- The employee's right to return to work is conditional on compliance with this 3-month notification requirement. Failure to comply with this requirement may result in the termination of the employee's contract of employment upon the expiry of the term of the career break
- There may be a waiting period of up to one year (unpaid) before the employee is permitted to return to work.
- The employee is not guaranteed a return to his or her previous job/location.

The employee should be required to acknowledge in writing that they have received this correspondence and a copy of the Career Break scheme.

Return to Work

An employee is obliged to give at least three months' notice of his/her intention to return to work.

The employee's right to return to work is subject to compliance with this 3-month notification requirement. Failure to comply with this requirement may result in the termination of the employee's contract of employment upon the expiry of the career break.

If, on return to duty, a vacancy does not exist in the grade formerly held by the employee, he/she could be offered a lower graded post (with appropriate lower pay) pending the occurrence of a vacancy in the grade formerly held. If a suitable vacancy does not exist at

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the date of the termination of the career break an employee is guaranteed re-employment in the same grade within twelve months, i.e. a unpaid period of up to 12 months could ensue upon termination of the date of the career break.

An employee may be assigned to a different location upon his / her return to work.

Following receipt of the employee's notification of intention to return to work, the employee should be advised as soon as possible if there will be a delay in permitting his/her return to work and the reason for the delay.

Every reasonable effort should be made to find a suitable vacancy in the employee's substantive grade and to minimise the delay in facilitating the employee's return to work, notwithstanding the requirement that only essential vacancies can be filled.

If a vacancy does not exist in the grade formerly held by the employee, he/she could be offered a lower graded post (with appropriate lower pay) pending the occurrence of a vacancy in the grade formerly held. If a suitable vacancy does not exist at the date of the termination of the career break an employee is guaranteed re-employment in the same grade within twelve months, i.e. a unpaid period of up to 12 months could ensue upon termination of the date of the career break.

Special Leave with Nominal Pay

Employees with professional qualifications are entitled to apply for special leave to work with a recognised agency in any of the following:

- a recognised underdeveloped country;
- a disaster/emergency region; and
- a developing country where the public health service is underdeveloped.

Short-term absences may be considered in the case of disaster relief. Approval may be granted to absences of one-year duration. Leave may be extended for a maximum period of three years under this scheme. No approvals should be made without the express prior approval of the Area Director of Human Resources.

An employee may extend the duration of his/her stay, up to a maximum of five years, by applying for additional leave under the Career Break scheme.

On completion of service abroad, individuals will be entitled to return to an equivalent post with the employing authority.

Superannuation

During special leave, employees are paid a nominal amount per week to protect their superannuation rights.

Employees continue to be liable for contributions under the Local Government Superannuation Code and the Spouse's and Children's Pension Scheme. Contributions are based on pensionable remuneration immediately prior to the commencement of special leave and are adjusted in line with general pay increases.

Incremental Credit

Incremental credit will be allowed where the duties of the foreign assignment are, broadly similar in nature to the usual duties in this country. One increment will be allowed in respect of each year covered by the period of special leave, subject to a maximum of three increments.

Leave for Deployment with the Rapid Response Corps (RCC)

Employees who are members of Irish Aid's Rapid Response Corps may be granted special leave with pay for deployment to humanitarian emergencies.

The Rapid Response Corps is a roster of skilled and experienced volunteers who have been selected and trained by Irish Aid directorate of the Department of Foreign Affairs, and who are available at short notice for deployment to humanitarian emergencies.

Health service employees who wish to join the Rapid Response Corps must first seek approval from their employer to be available at short notice and for periods of up to 3 months for, to support Irish Aid's emergency relief operations.

Employees must seek approval from their employer to be released from their work before they can be deployed. If approval is granted employees may be released for a maximum of 3 months on full basic pay plus normal fixed allowances. This does not include additional amounts due to nightwork, overtime, shifwork, working unsociable hours, standby or on call allowances. These payments will be fully reimbursed to the HSE from the Rapid Response Initiative budget, Department of Foreign Affairs, as an element of overseas development aid.

c.f. [HSE HR Circular No. 17/2008](#)

Leave for Trade Union Representatives

Time off During Work

Employee representatives may be granted time off with basic pay to undertake routine duties arising from their position.

Time off to attend union duties is at the discretion of the relevant line manager and is contingent upon service needs being met. Requests for such leave will not be unreasonably withheld. The Labour Relations Commission's Code of Practice should be used for guidance.

Special Leave with Pay

Special leave with pay may be granted to non full-time representatives to attend conferences/meetings who are duly authorised to attend such meetings.

The following time limits apply:

Association / Union Meetings

Annual delegate conferences	2 days per annum
Special delegate conferences	1 day per annum
¹² Executive meetings	20 days per annum

Conference of the Irish Congress of Trade Unions

Annual conferences and special delegate conferences	No Limit
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The grant of time off during work and special leave as outlined above should be extended to time necessarily spent travelling to and from the meeting in question. The granting of such leave is also subject to the representative's Department / Office's ability to release the representative, having regard, to the exigencies of official work.

In relation to special leave with pay, a representative will have to submit a written application for the leave to the appropriate manager, giving details of the purpose for which the leave is sought and other relevant information at least **two weeks** (except in exceptional circumstances) before the date on which the leave is due to commence.

c.f. [Department of Health & Children Circular No. S146/11](#)

¹² This excludes Branch Executive / Committee Meetings, and it also excludes meetings of sub-committees etc of the National Executive.

Other Types of Leave

Candidate for Interview

An employee is granted a maximum of six days pay in any one year, to enable him/her to appear before selection boards for posts advertised by Public Appointments Service, a government department, the Health Service Executive, or a local authority.

c.f. [Department of Health & Children Circular No. 10/71](#)

Candidate for Interview		
	Candidate for Interview	Paid Maximum of 6 days per year

Ministerial Appointment

When appointed by a Minister to be a member of any commission, committee or statutory board or a director of a company, an employee will be granted special leave with pay to enable him / her to attend meetings of the body in question.

c.f. [Department of Health & Children Circular No. 10/71](#)

Ministerial Appointment		
	Commission / Committee / Director	Paid

Selection Board

When invited by the Public Appointments Commission, a government department, the Health Service Executive or a local authority, to act on a selection board, an employee will be granted special leave with pay to enable him to service on the board.

c.f. [Department of Health & Children Circular No. 10/71](#)

Selection Board		
	Panel of Assessors	Paid

Study Leave

Paid study leave may be allowed to employees in respect of third level course examinations, subject to the directions regarding the grant of leave generally and provided the costs can be accommodated within your approved financial allocation:

- (a) Employees pursuing, in their own time, primary degree courses may be allowed ten days study leave with pay for entire period of course.
- (b) Employees should be given as much freedom as possible as regards spreading the leave over the various course examinations subject to the condition that a maximum limit of five days study leave with pay will apply to each academic year.
- (c) The arrangement at (a) and (b) will also apply to other third-level courses of education which last for three years or longer. For shorter third-level courses, three days study leave with pay may be allowed for each year of the course, repeat years being excluded.
- (d) Employees pursuing the following courses will be recognised as eligible for study leave:
 - (i) University course leading to the degrees of Bachelor or Masters of Arts or Commerce.
 - (ii) The course leading to the Diploma in Administrative Science and the one – year course in Public Administration provided by the Institute of Public Administration.
 - (iii) Courses in the following subjects
 - Accountancy
 - Business Administration
 - Business Studies
 - Computer Science
 - Economics
 - General Management
 - Hospital Administration
 - Industrial Engineering (for Engineers)
 - Law (for BCL, BL, or Diploma in European Law Only)
 - Personnel Management
 - Public Administration
 - Secretaryship (Institute of Chartered Secretaries)
 - Sociology
 - Statistics
 - Systems Analysis

c.f. [DoHC Circular No. 146/72](#)

NCHDs

NCHDs are entitled to a total of two weeks leave per six months prior to an examination or repeat examination for approved higher degrees or diplomas. The Hospital requires evidence both prior to and subsequent to sitting of the examinations. In certain circumstances where the NCHD can demonstrate a benefit to the Health Service to his /her clinical supervisor and the appropriate hospital manager, other courses will be considered on an individual basis

Reserve Defence Forces

For annual training with the Reserve Defence Forces, an employee will be granted special leave with pay in the following manner:

Attending annual or basic training:

For a course of annual training lasting 7 days – 3 working days

For a course of annual training lasting 14 days – 7 working days

For a course of annual training lasting 21 days – 10 working days

For a course of basic training lasting 14 to 30 days – special leave with pay for 5 working days

Attending special training (in addition to the above):

For a course of special training lasting 7 days – 3 working days

For a course of special training lasting 14 days – 6 working days

For a course of special training lasting 21 days – 9 working days

Special leave with pay in addition to the above may also be granted in respect of any time necessarily spent in travelling to and from a course of training.

If further leave is required to complete the training the employee may avail of special leave without pay or annual leave.

These provisions apply to all HSE employees, except those employed on short-term basis i.e. fixed term/temporary employees who are expected to have their employment terminated before the end of six months.

c.f. Department of Health & Children Circular No. S146/44

Reserve Defence Forces		
	Training Reserve Defence Forces – with pay	Paid
	Training Reserve Defence Forces – unpaid	Unpaid

SECTION 2 - Atypical Working Arrangements

The Flexible Working Scheme

A scheme of flexible working which allows employees to work less than wholetime hours and receive entitlements on a pro-rata basis applies in the health service.

The scheme is subject to the over-riding requirement that there should be no adverse impact on service delivery. When considering applications for working reduced hours, managers must assess whether the applicant can be facilitated having regard to patterns of work within the organization and an assessment of the capacity of the unit/service to maintain required operational levels having regard to overall service requirements.

Where employees currently employed on a whole-time basis are granted reduced working hours they may apply to return to whole-time working. The right to return to whole-time hours is subject to service requirements and the availability of such hours in their grade.

A guide on the flexible working scheme is available from HSE Employee Relations Services (HR).

Term Time Leave

Term Time leave allows working parents or primary carers to match their working arrangements to the main summer holidays of their children, or to provide care for a person with a disability who resides with them during the term time leave and who requires care on a continuous or frequent basis.

Under the terms of the scheme, the periods of special leave available are as follows:

- A continuous period of thirteen weeks commencing first week of June.
- A continuous period of ten weeks commencing fourth week of June.

The period of Term Time leave is unpaid special leave.

Eligibility

To be eligible to participate in the scheme the employee must:

- Have one-year continuous service with the employer on the date of commencement of term time working.
- Have one or more dependent children aged eighteen or younger (on the date they commence Term Time Leave). The dependant child must be of pre-school age or attending primary, post-primary, second level vocational education or a school for children with special needs.

Or

- Be the primary carer for the period of the Term Time leave of a person who resides with them and who has a disability which gives rise to the need for care on a continuing or frequent basis.

Each application must be supported by birth or medical certificates as appropriate.

Participation in the Term Time Leave scheme is for the purposes outlined above only and may be terminated by the employer at any time during the period of special leave if a person engages in any other employment whilst on such leave.

Applications

The operation of the scheme is subject to the operating requirements of the Hospital/Board not being adversely affected. In this regard it may be necessary to refuse applicants based on the exigencies of the service. It is necessary to ensure that a balance is struck between the rights of those availing of the scheme and those not availing of the scheme. Applicants who are granted participation in the scheme this year may not be granted participation in

following years. The approval of applications will also be determined by the ability of a Unit to obtain temporary replacement employees where this is deemed necessary.

Annual Leave and Public Holidays

The annual leave allocation of a participant will be reduced proportionally to take account of the period of unpaid special leave, subject to the provisions of the Organisation of Working Time Act 1997.

The public holiday entitlement of participants is governed by the provisions of the Organisation of Working Time Act which provides that an employee who has not been absent for more than 13 weeks prior to the public holiday is entitled to benefit from the public holiday. Employees are therefore entitled to be credited with any public holidays that occur during the term time period in accordance with the provisions of the Act.

Restriction on Taking Leave

The starting date for Term Time leave will be considered by Head of Department/Line Manager in the light of the need to train replacement employees. Participants will not be granted leave (paid or unpaid e.g. annual leave) in the four weeks immediately prior to and following the period of Term Time leave. This restriction will not apply to any form of statutory leave or paternity leave. However, in certain circumstances a manager may approve leave immediately before or after term time leave where the granting of such leave does not result in additional costs, negatively impact on the running of the Department or on other employees seeking to take leave.

Salary Arrangements

Those participating in the scheme may apply for special administrative arrangements for the payment of salary averaged over the year, to include the period of unpaid term time leave. Under P.R.S.I. rules a person availing of Term Time leave is not earning during the period of leave and is not therefore making P.R.S.I. contributions. Each participant is required to give an undertaking that any overpayment that may arise from their participation in the scheme will be repaid to the Hospital/Board not later than the last day of the tax year, 31 December, unless otherwise agreed.

It is the responsibility of the person availing of the Term Time leave scheme to make arrangements to ensure that all additional voluntary deductions are kept up to date (e.g. health insurance, savings plans, etc.).

Reckonable Service

The period of Term Time leave will reckon for the purposes of increments. The period of Term Time leave will not reckon for pension purposes.

Sick Leave

Participants may not avail of the sick pay scheme during the period of Term Time leave.

Restriction on Career Breaks

A person participating in the Term Time Scheme, who avails of administrative arrangements for the payment of salary over twelve months, may not normally take a career break in the same tax year. If, however, in exceptional circumstances, a career break is approved in the same year as Term Time Leave, any overpayment arising from their participation in the Term Time Scheme must be repaid to the Hospital/Board prior to the career break commencing.

Section 3 - After Hours Attendance

This chapter deals with the after hours attendance arrangements and payments for such which generally apply in the public health service. The after hours attendance regimes have been categorised as follows:

<i>Additional Hours</i>	<i>Unsocial Hours</i>
Overtime	Saturday Work
On-Call / Stand-by	Sunday Work
Planned Essential Services	Public Holiday
Home Births	Night Work
Sleep-over	Shift Work
	Twilight Work

Each of the sections listed above will detail the arrangements for the following employee categories where appropriate:

- Medical
- Dental
- Nursing
- Clerical
- Paramedical
- Ambulance
- Support Staff

Overtime

General Principle governing overtime arrangements

The following general principle governs the grant of overtime:

Employees may be paid overtime rates for hours worked in excess of the whole time hours for the category / grade.

With the exception of ambulance personnel overtime is paid on basic pay only.

Overtime for Part-time Employees

Participants in the Flexible Working Scheme / Part-time employees are entitled to earn overtime payments when they have worked the standard weekly working hours of the whole time equivalent in the given week.

In certain circumstances where an employee works beyond the span of his / her shift in emergency and unforeseen circumstances they may earn overtime payments, even if they have not worked the hours of the whole time equivalents in their grade, i.e. they cannot be rostered for this overtime.

Part-time employees who work additional hours, i.e. hours over and above their contracted hours on a pre-arranged basis will be paid at the normal rates.

Overtime Rates

Overtime rates may vary depending on the category or grade of employee involved.

Nursing

The following are the normal overtime rates applying to nursing:

Monday to Friday

Time + ½ for additional hours worked between finish of normal day duty and midnight.

Double time for additional hours worked between midnight and the start of normal day duty.

Saturday

Time + ½ for the first four additional hours worked and double time for the remainder.

Sunday & Public Holidays

Double time for all additional hours worked.

Support Staff

The following are the overtime rates applying to support staff:

Monday to Friday

Time + ½ for additional hours worked between finish of normal day duty and midnight.

Double time for additional hours worked between midnight and the start of normal day duty.

Saturday

Time + ½ from normal starting time to 12 midday and double time for the remainder.

Sunday & Public Holidays

Double time for all additional hours worked.

Ambulance Personnel

The general overtime payment arrangements as set out above apply to Emergency Medical Technicians and Emergency Medical Controllers however the hourly rate is calculated as follows:

Basic + Cardiac allowance + Shift allowance

Any Ambulance Personnel who are required to work on their rostered days off will receive double time for all hours worked.

Non-Consultant Hospital Doctors

The following overtime rates apply to NCHDs:

On-Site	Hours Worked	Rate
Mon – Sat	1 st 15 Hours Balance	Time & Quarter Time & Half
Sunday	All Hours	Double Time
Public Holidays	All Hours	Double Time

On-call on-site is deemed to be overtime, and should be paid at the appropriate rate.

Sunday work is any hours worked between midnight on Saturday and midnight on Sunday. Therefore NCHDs will receive double time for all hours worked between midnight on Saturday and midnight on Sunday.

Clerical/Administrative Grades

The following overtime payment arrangements apply to clerical / administrative and analogous grades:

Grades whose maximum salary does not exceed that of Grade V (including Environmental Health Officers)	
Monday to Friday Attendance	
First 3 hours in week	Time plus ¼
Next 5 hours	Time plus ½
Thereafter	Double time
Saturday attendance:	
Rate payable when aggregate of hours worked in excess of the normal working week and hours worked on Saturday of the same week is less than 10 hours	Time plus ½
Rate payable when aggregate of hours worked in excess of the normal working week and hours worked on Saturday of the same week is more than 10 hours	Double time
Sunday and public holiday attendance:	Double time
N.B. The hourly rate for Grade V and analogous grades is calculated by reference to the employee's actual salary on the basis of a 38 hour week.	

Grades whose maximum salary does not exceed that of Grade VII

Monday to Friday Attendance	
First hour of week in excess of gross working hours	Free
Next 2 hours	Time plus $\frac{1}{4}$
Next 5 hours	Time plus $\frac{1}{2}$
Thereafter	Double time
Saturday attendance	
Rate payable when aggregate of hours worked in any continuous period of two weeks and hours worked on Saturday is less than 20 hours	Time plus $\frac{1}{2}$.
Rate payable when aggregate of hours worked in any continuous period of two weeks and hours worked on Saturday is more than 20 hours	Double time
Sunday and public holiday attendance	Double time

Calculating hourly overtime rates:

- (i) The hourly rate for grades III, IV and analogous grades should be calculated by reference to the employee's actual salary.
- (ii) The hourly rate for grade V and analogous grades should be calculated by reference to the employee's actual salary;
- (iii) In the case of employees whose salary equals or exceeds the second long service increment of the grade V scale, the hourly rate should be calculated by reference to the second long service increment of the grade V scale; The hourly rate for grades VI, VII and analogous grades should be calculated by reference to whichever is the lesser of individual's salary or the second long service increment of the grade V salary scale.

Craftworkers and Craftsmen's Mates

The following overtime payments apply to craft-workers and craftsmen's mates as per the 1997 Productivity Agreement:

Monday to Friday	
Time and $\frac{1}{2}$ for additional hours worked between finish of normal day duty and midnight. Double time for additional hours worked between midnight and the start of normal day duty.	
Saturday	
Time + $\frac{1}{2}$ for normal starting time to 12 o'clock midday and double time for the remainder.	
Sunday and Public Holidays	
Double time from 12 o'clock noon Saturday to 12 o'clock midnight on Sunday and on public holidays (midnight to midnight)	
Health and Social Professional Grades	
There is no national rule on overtime for Health and Social Professional Grades.	

Environmental Health Officers

EHOs may express an option for overtime payments or time in lieu of relevant tobacco control work outside 9am to 5pm, Monday to Friday. The overtime scheme and rates will correspond to those of the clerical/administrative Grade 5 details as follows: ([Department of Health and Children Circular No. 20/2004](#))

First 3 hrs in the week	Time plus $\frac{1}{4}$
Next 5 hrs	Time plus $\frac{1}{2}$
Thereafter	Double Time
Saturday (less than 10 hours)	Time plus $\frac{1}{2}$
Saturday (more than 10 hours)	Double Time
Sunday/Public Holiday	Double Time

Time off in Lieu

Time off in lieu is at standard time, i.e. hour for hour.

On-Call / Standby Allowance and Call-Out Payments

On-call / Stand-by is defined as a period when an employee is scheduled for a designated period to be available for emergency work. An employee on stand-by makes a specific commitment to be available immediately to return to work if requested.

On-Call Stand-By Payment

A fixed payment is made for the designated period(s) for which the employees make themselves available, e.g. a weekly standby payment.

Call-out arises when employees return to work after their normal working hours. It is designed to cover emergency situations.

NCHDs

Description	On-call Payment <u>Off Site</u>	On-Call Payment <u>On Site</u>	Call-out Payment Without Standby
NCHDs provide on-call on a rostered basis both off site (at home) and on site (in the hospital).	<p>From Monday to Saturday half of on-call off-site up to a maximum of 10 hours are paid at T+¼, and the balance is paid at ½T</p> <p>Additional payments will be made for the first eight hours worked between the hours midnight on Saturday and midnight on Sunday as follows:</p> <ul style="list-style-type: none"> • On-call and frequently called upon ¾ T, • On-call and infrequently called upon 0.6 T 	Paid at the appropriate overtime rate when providing on-call on-site.	N/A

Theatre Nurse

Description	On-call Payment <u>Off Site</u>	On-Call Payment <u>On Site</u>	Call-out Payment Without Standby
After hours service provided as follows: Monday to Friday Saturday Standby Sunday and Public Holiday Standby	<p>Standby fee – fixed standby fee from Monday to Friday.</p> <p>Enhanced standby fee for Saturday, Sunday and Public Holidays, c/f Consolidated Salary Scales</p> <p>On-call over weekend – where no roster duty available appropriate rate is divided by 12 then multiplied by the number of hours available (in this scenario time will not be given back in lieu).</p>	<p>Fee per operation 17.00 – 22.00 - rate payable dependant on length of operation.</p> <p>Enhanced fee for operations after 22.00.</p> <p>c/f Consolidated Salary Scales</p>	Enhanced fee per operation, c/f Consolidated Salary Scales

IT Employees

Description	On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
-After hours service provided as follows: <ul style="list-style-type: none"> - Monday to Friday - Saturday Standby - Sunday and Public Holidays 	Weekly on-call allowance, i.e. the Beaumont Rate, C/f Consolidated Salary Scales	Overtime Payment or time off in lieu	N/A

*No national standard

Physiotherapists

Description	*On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
-After hours service provided as follows: <ul style="list-style-type: none"> - Monday to Friday - Saturday Standby - Sunday and Public Holidays 	Standby fee – fixed standby fee from Monday to Friday. Enhanced standby fee for Saturday, Sundays and Public Holidays, c/f Consolidated salary scales	Fee per call (paid per half hour), c/f Consolidated salary scales	Enhanced fee per call (paid per hour), c/f Consolidated salary scales

*A ceiling applies to the total amount on-call that a hospital should pay per week.

Radiographers

Description	On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
*Sessional Hospitals – Emergency On-call Duty applies from <ul style="list-style-type: none"> - 10.00p.m. to 9.00a.m. Monday to Friday - Per hour on Saturday - Per Hour on Sundays and Public Holidays - Fee per call/patient 	Standby fee – fixed payment which varies according to day Standby is provided, c/f Consolidated salary scales	Fee per call, c/f Consolidated salary scales	N/A
Non Sessional Hospitals <ul style="list-style-type: none"> - 10.00p.m. to 9.00a.m. Monday to Friday - Per hour on Saturday - Per Hour on Sundays and Public Holidays 	Standby fee – fixed payment which varies according to day Standby is provided, c/f Consolidated salary scales	Fee per call, c/f Consolidated salary scales	Enhanced fee per call (paid per call), c/f Consolidated salary scales
-	N/A	N/A	Fixed Sessional Fee applies, c/f Consolidated salary scales

* A ceiling applies to the total amount on-call that a hospital should pay per week.

Medical Laboratory Scientists

Description	On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
Sessional Hospitals – Standby provided: - Midnight to 9.00 a.m. - Monday to Friday - Saturday Standby - Sunday and Public Holiday Standby	Standby fee – fixed payment which varies according to day Standby is provided, c/f Consolidated salary scales	Fee per call, c/f Consolidated salary scales	N/A
Non-Sessional Hospitals – up to 5 Calls per week After hours service - Monday to Friday - Saturdays - Sundays and Public Holidays	N/A	N/A	Fee per call in Hospitals, c/f Consolidated Salary Scales
Non-Sessional Hospitals – Up to 5 calls per week Per call without standby Over 5 Calls per week Payment for up to 60 calls per wk per hospital Payment for over 60 calls per week per hospital Standby - Monday to Friday - Saturdays - Sundays and Public Holidays	Standby fee – fixed payment which varies according to day. Standby is provided, c/f Consolidated salary scales.	Payment for up to 60 calls per week per hospital and Payment for over 60 calls per week per hospital, c/f Consolidated salary scales	

Ambulance

Description	On-call Standby Payment	Call-out Payment With Standby	Call-out Payment Without Standby
After hours service	Standby fee (1/6 of flat rate for each hour on-call)	Paid at appropriate overtime rate	N/A

Planned Essential Services

Public Health Nurse

Description	Payment
Essential weekend / Public Holiday Service	Fee per case
First call on Saturday and first call on Sunday	Fixed payment
Payment in lieu of time off for emergency work	Fixed payment
Each subsequent call on Saturday and Sunday	Fixed payment

'Sleep-over'

Definition of Sleepover / Sleep in

'Sleep over' / 'Sleep in' applies where the provision of care occurs in a residential setting on a 24 hour, 7 day per week basis. Employees are required to sleep over at their work location. Sleep over refers to a continuous period of 8 hours or more between the hours of 8pm and 8am, and is in addition to the normal contracted weekly working hours for the grade.

Payment System

A fixed monetary amount is payable to employees specifically requested to provide a sleep over service.

Unsocial Hours

As the health service operates seven days a week on a twenty-four hour basis, many categories of employees are required to work hours outside of the standard working hours, i.e. 9.00 a.m. – 5.00 p.m. Monday to Friday. These hours are worked as part of the contracted weekly working hours (e.g. 39 hours for nursing employees) and are described as “unsocial hours” and attract premium rates of pay. Set out below are the periods of time which usually attract premium payments:

- Saturday work
- Sunday work
- Public Holidays
- Night Work
- Shift Work
- Twilight Hours

In determining the appropriate premium payment, the rule normally applied in the health service is that the starting time of the roster determines the premium payment applicable to the hours worked *c.f. Labour Court Recommendation 7254*.

Premium payments attach to basic hours only, they do not attach to hours worked on an overtime basis.

Saturday Work

Saturday work is normally defined as any roster commencing between midnight on Friday and midnight on Saturday. An employee who works a **‘5 over 7’ roster** and is scheduled to work on Saturday is entitled to a Saturday allowance. This is a fixed amount and is payable irrespective of the number of hours worked.

Home helps who work less than 4 hours on a Saturday receive 50% of the support staff Saturday allowance and those who work more than 4 hours receive the full allowance.

Sunday Work

Sunday work is normally defined as any roster which commences between midnight on Saturday and midnight on Sunday. An employee who works a **‘5 over 7’ roster** and is scheduled to work on Sunday is entitled to single time extra for each hour worked.

There is an exception for NCHDs, for whom Sunday work is any hours worked between midnight on Saturday and midnight on Sunday.

Public Holiday

Public holiday work is normally defined as any roster which commences between midnight on the eve of the public holiday and midnight on the public holiday.

An employee who works a **‘5 over 7’ roster** and is scheduled to work on a public holiday is entitled to single time extra for each hour worked.

Where the public holiday falls on a Saturday, the Saturday allowance is not payable

For NCHDs Public holiday work is any hours worked between midnight on the eve of the public holiday and midnight on the public holiday.

Night Duty

Night duty, which is normally defined as hours worked between 8.00 p.m. and 8.00am, attracts a premium payment of T¼. This premium is only payable to employees rostered for duty through the night, i.e. work at least 3 hours between midnight and 7.00 a.m. It does not include twilight shifts that extend into night duty hours (e.g. a roster from 4pm – midnight would not attract night duty premium).

Shift Work

Shift work occurs if employees or groups of employees work in rotation so that a function can operate beyond normal daily or weekly hours. The Labour Court (LRC 7001) recommended that workers who a starting time variation of at least four hours and a difference of at least twelve hours between the earliest and the latest finish should be paid a shift allowance. It should be noted that where a shift premium is paid, Sunday Allowance is applied but Night Duty allowance and Twilight allowance do not apply.

Twilight Hours/Evening Hours

Twilight hours are those hours between 6.00 p.m. and 8.00 p.m. or to the end of the day roster. Nursing, non-nursing and child care employees are paid **time and 1/6th** for hours worked between 6pm and 8pm or until the end of the roster. [HSE HR Circular No. 14/2007](#) removed the eight-hour threshold to access the twilight hours unsocial hours premium. In the event of an employee working on a Sunday or Public Holiday, the above premium is paid on the basis of the basic salary of the employee and not on the basic plus unsocial hours allowance for that day.

c.f. [Department of Health and Children Circular 115/99](#),
[HSE HR Circular No. 14/2007](#)

Payment System

Day	Additional Payment
Saturday	Cash allowance
Sunday	Single time extra for each hour worked
Public Holiday	Single time extra for each hour worked
Night Work	¼ hours pay for each hour worked between 8pm and 8am
Shift Work	1/6 hours pay for each hour worked
Twilight Hours	1/6 hours pay for each hour worked between 6pm and 8pm (or to the end of the roster)

Section 4 - Acting Up

Acting-Up

General Rules

Acting up / substitute is defined as follows:

A “substitute” means an employee appointed to act whole-time as substitute for another employee in a higher grade when that employee is on annual leave or special leave or, through sickness, absence or suspension or through being seconded for other duties is unable to perform the duties of his/her office. It also means an employee appointed to act in a higher grade pending the appointment thereto of a permanent holder.”

The general rules for remunerating employee grades who are acting in a higher post are as follows:

- The minimum of the scale for the higher post, **or**,
- If little or no financial benefit would thereby ensue to the employees, they should be paid at the Acting-up allowance as laid out in the Consolidated Salary Scales for Employee Grades.
- The rate of remuneration of a substitute should in no case exceed the maximum of the higher office.
- Calculation of premium payment during periods of acting up should be calculated on the basis of basic pay plus the acting up allowance.

In general, employees must ‘act-up’ for **one continuous calendar month** before they become eligible for payment of the acting-up allowance. Once the employee has ‘acted-up’ for a calendar month, he / she should be paid for the whole period during which he / she has acted as substitute.

Exceptions to the general rules

General Nurses

In the case of nurses up to and including the grade of CNM 2 the time period for ‘acting-up’ before becoming eligible for payment of the ‘acting-up’ allowance is **one week**. All other nursing grades, i.e. those grades above the CNM 2 grades, qualify after one continuous calendar month in line with other employee grades.

Psychiatric Nurses

The above rule does not apply to psychiatric nurses, however a fixed annual allowances is paid to psychiatric nurses who ‘act-up’ in the following capacities:

- Psychiatric Staff Nurse acting-up at CNM2
- CNM1 and 2 acting-up as Assistant Director of Nursing
- Psychiatric Staff Nurse acting-up at CNM1
- CNM1 acting up at CNM2

The value of this at any given time is outlined in the Consolidated Salary Scales.

Various Health Professions (Therapy Professions – Dietitians, Occupational Therapists, Physiotherapists, Speech and Language Therapists, Orthoptists, Chiropodists)

Employees in the above listed grades who are required to act in a higher capacity in the grade immediately above their substantive grade are entitled to receive an annual fixed allowance.

Craft Grades

Craft-workers required to act up temporarily in the next higher grade may move to the corresponding point on the new scale. There is **no minimum time frame** in which they must 'act-up' before becoming eligible for payment of the acting up allowance.

If a craft-worker acts up temporarily in a grade two or more grades higher than his / her existing grade, he / she will receive either:

The minimum point of the scale attaching to the grade in which he / she is 'acting-up, or 50% of the full differential rounded up to the nearest scale point whichever is the more favourable.

Other Support Staff Grades

An employee assigned on a temporary basis to the duties of a category with a higher rate of pay will be paid that rate of **pay for the day** in which he / she performs the higher category duties.

Employees required to act up in a category in a post which carries a higher pay scale will be paid on the corresponding point of the higher scale.

The exception to these arrangements is where employees on Band 4 act up to Band 1. In these circumstances the employees involved will receive an annual allowance of €2,500 rather than the point for point arrangement.

SECTION 5 - INCREMENTAL CREDIT AND STARTING PAY ON PROMOTION

Incremental Credit

Introduction

The first section deals with the general principles governing incremental credit for all employees. The second section outlines the special provisions which apply to particular categories of employees.

Section A - General Principles

- Incremental credit is normally granted on appointment, in respect of previous experience in the Civil Service, local authorities, health service and other public service bodies and statutory agencies. This provision is not affected by a break in service.
- Annual increments are normally granted to employees, subject to satisfactory service.
- Increments are normally postponed in respect of leave without pay for a period exceeding 28 days (e.g. during special leave without pay for domestic reasons or during unpaid sick leave) or for the period a person is on a career break. However increments are not deferred during periods of unpaid parental leave, unpaid maternity leave and unpaid adoptive leave.
- Employees who have availed of the scheme relating to special leave with nominal pay in order to work in under-developed countries are entitled to incremental credit in respect of this period, provided the duties performed overseas are broadly similar to present duties. One increment is granted in respect of each year worked, up to a maximum of three increments (S146/30, 31-08-76).
- Starting pay on promotion is governed by [Department of Health & Children Circular No. 10/71](#), which is generally by way of nearest point on the new scale, but not below existing pay, plus one increment. However the circular provides for a departure from this provision in certain circumstances.
- Temporary employees now enjoy the same incremental credit arrangements as their permanent counterparts.

Long Service Increments

The first LSI is payable to employees after three years at the maximum of the scale. The second LSI (if applicable) is payable after a further three years and the third LSI (if applicable) is payable after a further three years.

The rule governing access to LSIs in respect of experience gained outside the Irish public health service is as follows:

All of an employee's aggregate recognised service is reckonable for the purposes of entitlement to LSIs i.e. s/he will acquire an entitlement to an LSI after the same number of years service as his/her equivalent in the Irish public health service e.g. a newly appointed non-national staff nurse who has 12 or more years' recognised service will be entitled to be placed on the LSI.

[\(HSE HR Circular No. 004/2009\)](#)

Relief and Part-time Employees

Relief and part-time employees may also progress along the incremental salary scale on the same basis as outlined above upon completion of satisfactory service. One year's service for

relief and part-time employees equals 52 weeks' reckonable service. A reckonable week is defined as any week in which the employee has worked. These 52 weeks do not necessarily have to be consecutive weeks.

Participants in the Flexible Working Scheme

In general participants in the flexible working scheme may now progress along the incremental salary scale (and achieve the LSI) on the same basis as permanent whole-time equivalent employees upon completion of satisfactory service. As outlined above one year's service for a part-time worker will be calculated as completion of 52 weeks' reckonable service. A reckonable week is defined as any week in which 8 hours or more are worked. These 52 weeks do not necessarily have to be consecutive weeks.

Note

Participants in the Flexible Working Scheme may be placed on the LSI on completion of the required years service.

Section B – Special Arrangements

Nurses

Incremental Credit on Appointment

Full incremental credit may be granted on appointment in respect of all previous genuine¹³ nursing experience in Ireland and abroad.

This provision was agreed with the Nursing Alliance on 3rd November 1998 and took effect from that date. Prior to this agreement, incremental credit on appointment could only be granted in respect of previous nursing experience in the public health service and designated private hospitals.

Nurses will be required to satisfy the following validation criteria:

1. Letter from previous Irish employer confirming service and relevant salary point.
2. Statement of employment details from foreign employers.
3. Up to date C.V.

Incremental credit will be given to nurses who completed the twelve-month rostered clinical placement as part the degree programme. On successful completion of the degree programme and registration with An Bord Altranais and on commencement of employment in the public health service he/she will be paid at the second point of the staff nurse scale.

Incremental credit for experience as a State Enrolled Nurse in the U.K. should be granted on appointment as a staff nurse on the basis of one increment for every three years service as a State Enrolled Nurse with the seventh incremental point being given for 20 years service ([HSE HR Circular No. 18/2006](#)).

Health service employees who sponsored to undergo the nursing degree programme will, upon appointment as a staff nurse, be assimilated on the nearest monetary point of the staff nurse scale to their existing salary ([HSE HR Circular No. 11/2008](#)).

Post Registration Courses

Incremental credit may be granted to nurses undertaking approved courses (since 1989) on a full-time basis, up to a maximum of *two* increments, provided the employee obtains the qualification within a reasonable period of time.

Note

This provision only applies once during a nurse's career, irrespective of the number of full-time courses s/he undertakes.

¹³ Weeks in which 8 hours or more are worked

Changing Disciplines

An employee is entitled to incremental credit in respect of previous service in another nursing discipline. For example, a psychiatric nurse who transfers to general nursing is entitled to incremental credit in respect of service as a psychiatric nurse.

Clerical/Administrative Grades

Clerical and administrative grades are entitled to incremental credit on the same basis as set out above under "General Principles". In this context, 'previous relevant experience' refers to previous service in a similar grade in the Civil Service, Local Authority Service, Health Service and other public service bodies and statutory agencies, in Ireland or abroad.

Non-Consultant Hospital Doctors

Incremental credit is granted in respect of previous experience in Irish hospitals.

Incremental credit is not granted in respect of:

- * service as a locum general practitioner
- * service with the Blood Transfusion Board

Third Level

Incremental credit is granted in respect of time spent:

- * gaining a B.Sc. degree in Pathology, Anatomy or Physiology
- * gaining a post-graduate qualification while actively engaged in hospital work
- * working as a junior lecturer in anatomy
- * working as a University Demonstrator on completion of internship

House Officer Salary Scale

A non-consultant hospital doctor who takes up appointment as a House Officer, having previously held a Registrar post, is placed on the equivalent point of the House Officer scale, e.g. the 1st point on the Registrar scale is equivalent to the 5th point on the House Officer scale.

Service Abroad

Incremental credit is granted in respect of previous experience obtained in recognised foreign hospitals.

Vocational Training Schemes

Periods spent in vocational training schemes for general practice are reckonable for the purpose of incremental credit.

Locums

Incremental credit is granted in respect of previous recognised hospital experience.

Therapy Grades

Full incremental credit is granted to therapy grades for previous professional experience (both in the private and public sector), at home and subject to certification, abroad. This arises from the recommendations of the **Report of the Expert Group on Various Health Professions** (2000).

Dentists

Full incremental credit is granted in respect of all post-graduate experience both in the public and the private sectors on appointment.

As part of the 1999 agreement on the restructuring of health board dental services to enhance service it was agreed that General Dental Surgeons would be permitted entry to the salary scale from the fourth point upwards in order to address recruitment and retention issues.

Dental Nurses

Full incremental credit is granted to Dental Surgery Assistants for appropriate experience in the private sector from 1/9/98. Such credit can only be accrued from the date the national certificate for dental surgery assistants (UK) or equivalent is awarded.

Childcare Workers

A Childcare Worker may not proceed beyond the ninth point of the salary scale until s/he has obtained the appropriate childcare qualification.

Assistant House Parents (Intellectual Disability Services)

An Assistant House Parent in the Intellectual Disability Service may not proceed beyond the seventh point of the salary scale until s/he has obtained the appropriate professional qualification.

Pharmacists

On permanent appointment, an employee is entitled to full incremental credit in respect of previous recognised service.

In light of current recruitment difficulties in recruiting pharmacists, entry from the sixth point on the salary scale is permissible.

Pharmaceutical Technicians

Incremental credit may be granted in respect of previous service in both the public and private experience

Assistant Technical Services Officer

Incremental credit is granted in respect of relevant post-graduate experience as follows:

- * to qualify, an employee must have in excess of five years' experience on the date of his/her appointment
 - * the qualifying period is not recognised for the purpose of awarding increments; an additional increment is awarded for each year worked thereafter.
- The Technical Services Officer must confirm, in writing, that the employee's post-graduate experience is relevant to the current post
 - The above arrangement *does not apply* where:
 - * an employee is in receipt of a substitution allowance;
 - * an existing permanent officer is appointed to the post.

Senior Assistant Technical Services Officer

Incremental credit is granted in respect of relevant post-graduate experience as follows:

- * to qualify, an employee must have in excess of eight years experience on the date of his/her appointment
 - * the qualifying period is not recognised for the purpose of awarding increments; an additional increment is awarded for each year worked thereafter.
- The Technical Services Officer must confirm, in writing, that the employee's post-graduate experience is relevant to the current post.

The above arrangement *does not apply* where:

- * the employee is in receipt of a substitution allowance;
- * an existing permanent officer is appointed to the post.

Starting Pay on Promotion

Starting Pay and Promotion Rules are governed by the following provisions:

- (i) Where the same salary scale applies to the employee's existing office and the office to which he is being newly appointed, he/she shall remain on the same point of the scale and may retain his/her incremental date.
- (ii) Where the minimum of the new salary scale is greater than existing pay by an amount greater than one increment on the new scale, the employee shall enter the new scale at the minimum – the date of promotion to be the new incremental date.
- (iii) Where the minimum of the new salary scale is greater than existing pay by an amount equal to one increment on the new scale, the employee shall enter the new scale at the minimum – he/she may retain his/her incremental date if may.
- (iv) Where the minimum of the new salary scale is greater than existing pay by an amount less than one increment on the new scale, the employee may enter the new scale at the minimum plus one increment – the date of promotion shall be the new incremental date.
- (v) Subject to subparagraph (i) above, where the minimum of the new salary scale is equal to existing pay, the employee may enter the new scale at the minimum plus one increment – he/she may retain his existing incremental date, if any.
- (vi) Subject to sub-paragraph (i) above, where the minimum of the new scale is less than existing pay, the employee may enter the new scale at the point nearest but not below existing pay plus one increment, and
 - a) where the point of entry on the new scale is equal to existing pay, he/she may retain his/her incremental date, if any,
 - b) in any other case, the date of promotion shall be the new incremental date.
- (vii) Where an employee to whom sub-paragraph (ii) (in cases only where the minimum of the new scale exceeds existing pay by an amount less than two increments in the new scale), (iii), (iv), (v) or (vi) above applies, has been on a fixed salary or on the maximum of his/her existing salary for at least three years at the date of his/her promotion or new appointment, he/she may enter the new scale in accordance with the appropriate provision and with a further additional increment, but in that case, the date of promotion or new appointment will be the employee's new incremental date.
- (viii) Where after a person has been promoted, and his/her salary has been determined in accordance with sub-paragraphs (i) to (vii) above, the salary or salary scale applicable to either the employee's former office or his new office, or both, is revised with effect from a date which is earlier than the date of the promotion, the commencing salary shall, subject to sub-paragraphs (ix) and (x) below, be re-determined in accordance with these rules and by reference to the revised salaries or salary scales.
- (ix) Where, in a case to which sub-paragraph (viii) applies, the salaries or salary scales of both the employee's former office and his new office are revised with effect from different dates not more than six months apart, but only one of the revisions is made effective from a date which is earlier than the date of the promotion or new appointment, the commencing salary shall, subject to sub-paragraph (x), be re-determined as if both revisions had been effective on the date of promotion.
- (x) Nothing in sub-paragraphs (i) to (ix) shall be applied so as to enable an employee to have a salary in excess of the maximum salary for the office to which he is promoted or newly appointed.

Nurses

The normal pay on promotion rules as outlined above apply to nurses, except in circumstances where the nurse might be financially disadvantaged on promotion due to loss of their qualification or location allowance, e.g.: when promoted from CNM2 to CNM3. In these cases [HSE HR Circular 23/2006](#) as **outlined below would apply**.

Clinical Nurse Managers 2 who are in receipt of an allowance and who are promoted to Clinical Nurse Manager 3 or Assistant Director of Nursing will be assimilated on a person to holder basis in the following manner:

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Existing substantive salary plus a sum equivalent to the Specialist Qualification or Location Allowances if they are in receipt of one or the other of these allowances.

The normal application of [Department of Health Circular No.10/71](#) provisions will then apply.

In respect of individual nurses who were promoted prior to Labour Court Recommendation 18642:

Clinical Nurse Managers 2 who are in receipt of a Specialist Qualifications / Location Allowance and who are promoted to Clinical Nurse Manager 3 or Assistant Director of nursing will be assimilated on a personal to holder basis to the higher scale in the following manner:

Existing substantive salary plus a sum equivalent to the Specialist Qualification or Location Allowances if they are in receipt of one or the other of these allowances.

The normal application of the [Department of Health Circular No. 10/71](#) provisions will then apply.

c.f. [HSE HR Circular 023/2006](#)

Psychiatric Nurses

Psychiatric nurses who are promoted from staff nurse to CNM I or from CNM I to CNM II have the difference between the maximum of the current scale and the scale to which the nurse is being promoted added to their existing salary before they are assimilated onto the new scale using the pay on promotion rules outlined in [Department of Health Circular No. 10/71](#).

c.f. *Department of Health and Children Circular No. S100/94 issued 11 August 1969*

Therapy Grades

The Expert Group on Various Health Professions provided for a change in the rules governing starting pay on promotion for the following professions: Dieticians, Occupational Therapists, Physiotherapists and Speech and Language Therapists, Orthoptists and Chiropodists. A set differential is in place which supersedes the instructions on starting pay and promotion as outlined in [Department of Health Circular No.10/71](#)

c.f. [Department of Health and Children Circular No. 152/2000](#) issued 18 December 2000.

Craft Workers

Where an employee is promoted to any grade above his/her existing grade he/she may move to the corresponding point on the new scale provided he/she has completed at least five years service as a qualified craft worker in the health service.

In any other case he/she shall be placed on the minimum of the new scale or receive 50% of the differential between his/her point on the existing scale and the corresponding point on the new scale adjusted up thereafter to the nearest scale point, whichever is the most favourable.

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