

**DEPARTMENT OF EDUCATION AND SCIENCE
PRIMARY BRANCH**

**TO: BOARDS OF MANAGEMENT, PRINCIPAL TEACHERS AND ALL TEACHING
STAFF IN PRIMARY SCHOOLS**

Job Sharing

**1. Implementation of European Court of Justice Ruling in Hill and Stapleton
Case**

**2. Implementation of European Court of Justice Ruling in the
Gerster Case**

3. Assistant Principal Teachers

**1. Implementation of European Court of Justice Ruling in Hill
and Stapleton Case**

- 1.1 This section replaces Section 2, Subsection 10.5 of Circular 32/97 (Scheme of Job Sharing in Primary Schools).
- 1.2 Under the European Court of Justice Ruling in the Hill and Stapleton case, a job sharing teacher returning to full time employment will continue on the common salary scale appropriate to a teacher on the basis that each twelve months of job sharing service given, will reckon as twelve months full time service for incremental purposes.
- Example:** A teacher (whose increment date is 1 September of each year) commenced job sharing on 1 September 1994 and was on the third point of the salary scale on this date. She returned to full time service on 1 September 1998. During her job sharing service this teacher received an increment annually which brought her to the 7th point of the salary scale as at 1 September 1998. On her return to full time teaching on 1 September 1998 she was reverted to point 5 of the salary scale. However, under the Hill/Stapleton ruling this teacher would be entitled to progress on the salary scale as if she had been working full time i.e. would progress to scale point 7 on 1 September 1998.
- 1.3 The salary records of all teaching staff who have ever resumed full time teaching duties after a period of job sharing, shall be examined and adjusted as necessary to ensure that they are placed on the point of the full time scale which they would have reached but for the job sharing period. Such staff shall be recompensed for any loss of earnings suffered as a result of being appointed to a lower point on the full time scale.
- 1.4 A teacher who is no longer in service is also entitled to arrears of salary from the date he/she resumed full time teaching after job sharing, until the date of resignation or retirement.

**2. Implementation of European Court of Justice Ruling in the
Gerster Case**

- 2.1 The European Court of Justice Ruling in the Gerster case refers to **reckoning of service** and **seniority** for job sharing teachers.
- 2.2 Under this ruling for the purposes of **reckonable service** (insofar as it affects qualifying service for purposes other than pay and superannuation), credit is given for all job sharing service upon the same basis as full time service. In any event, heretofore, in the case of primary teachers job-sharing service was reckoned as full-time service. This judgement reflects exiting practices. If a teacher feels s/he has not received full credit for their job sharing service s/he should consult with her/his Board of Management.

2.3 **Seniority** of teachers is, in general, a matter for each Board of Management and is determined by the date of appointment of a teacher to a school. The Gerster ruling confirms that job-sharing service is reckoned as full service for the purpose of seniority.

3. Assistant Principal Teachers

3.1 This section replaces Section 1, Subsections 4.5 to 4.7 of Circular 32/97 (Scheme of Job Sharing in Primary Schools).

3.2 With effect from 1 September 1999 an Assistant Principal may be allowed to job share and to retain the post of responsibility allowance in full. A Board of Management should examine the duties of the post to determine whether the duties can be carried out in full during the periods of attendance of the Assistant Principal post holder. Where a Board decides that the duties can be so performed, the Assistant Principal post holder will continue to perform the full duties of the post and will retain the allowance in full.

3.3 Where a Board decides that the duties cannot be performed in full by the Assistant Principal post holder while job sharing, subject to the post being warranted, the Board may appoint an acting Assistant Principal post holder by open competition from within the staff of the school. The acting Assistant Principal will perform the duties associated with the post *when the job sharing Assistant Principal post holder is absent*. The Assistant Principal allowance will be shared equally between the two teachers. The acting Assistant Principal post holder will not establish personal title to the allowance and will relinquish same when the Assistant Principal post holder resumes full time duties.

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Principal Officer

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