

**Reference No:** E116/7/57; **Date:** 06/11/79

**Circular 50/1979:- Re-admission to the civil service of certain former women civil servants**

A Dhuine Uasail

1. I am directed by the Minister for the Public Service to refer to the provisions of section 11 of the Civil Service Regulation Act, 1956, as amended by section 4 of the Civil Service (Employment of Married Women) Act, 1973, and of sections 21 and 24 of the Civil Service Commissioners Act, 1956, as amended by section 5 of the 1973 Act. These provisions deal with the re-admission to the civil service of women who retire for the purposes of, on or following marriage and who

- (a) do not get married or
- (b) become widows or
- (c) establish to the satisfaction of the Minister that they are not being supported by their husbands.

General Statutory Conditions

2 The following conditions (among others) apply to all readmissions under the statutory provisions referred to above.

(a) The reinstatee shall not be appointed to any position in the civil service (otherwise than on a trial or temporary basis - paragraphs 4(d) and 5 following) unless and until she has been accepted by the Civil Service Commissioners as qualified for appointment to that position.

(b) The appointment must be made by the appropriate authority in relation to members of the staff of the Department/Office to which the reinstatee is being appointed (normally the Minister in charge of the Department).

(c) If, immediately before her retirement for the purposes of, on or following marriage (hereafter referred to simply as retirement), the reinstatee held a position which was not an established position, the appointment cannot be made to an established position; if the position held before retirement was an established position the appointment may be to an established or an unestablished position.

(d) The appointment cannot be made without the consent of the Minister for the Public Service, who may prescribe conditions governing the appointment.

Delegated authority for the re-admission of widows

3 The Minister for the Public Service, in exercise of the powers conferred on him by the provisions of section 11 of the Civil Service Regulation Act, 1956, as amended by section 4 of the Civil Service (Employment of Married Women) Act, 1973, hereby conveys his consent to all Departments/Offices to re-admit to the civil service widows who come within the scope of these provisions, without reference to this Department and subject to the conditions set out below. This delegated authority is in continuance of that provided for at paragraph 3 of Circular 29/69.

Conditions applicable to the appointment of widows

4 The following conditions shall apply.

(a) A widow will normally be eligible for appointment at any age up to 65 years, or 60 years in the case of a widow to whom the Superannuation (Prison Officers) Act, 1919, applies. Where a widow who held an established position immediately prior to retirement is 60 years of age or over at the time of re-admission (55 years in the case of a widow to whom the 1919 Act applies) she will be eligible for appointment in an unestablished capacity only. However, if her previous pensionable service when deducted from her actual age at the time of her appointment brings that age below 60 (55 in the case of a widow to whom the 1919 Act applies) then the appointment may be in an established capacity.

(b) A widow appointed in an unestablished capacity will be subject to conditions of service appropriate to unestablished appointment.

(c) The widow should normally be appointed to a vacancy in the grade and Department/Office in which she was serving immediately prior to her retirement. In certain circumstances, however, (e.g. absence of a suitable vacancy) the appointment may be to a Department/Office other than the reinstatee's original Department/Office or, in certain circumstances, to a grade other than her original grade.

(d) Subject to (e), if the widow held an established position immediately before retirement she will, on re-admission, be appointed initially in a trial capacity, irrespective of whether the position to which it is proposed to appoint her definitively is established or unestablished. The period of trial will enable her to be re-admitted without delay and will provide an opportunity of determining her suitability for definitive appointment. The Civil Service Commissioners should be notified of each appointment made on a trial basis, as soon as it is made. The 1973 Act does not provide for trial appointments in the case of former unestablished officers; in such cases any existing appropriate exclusion orders should be used to effect early initial appointment in a temporary capacity, pending clearance of the applicant by the Civil Service Commissioners for unestablished appointment.

(e) A widow's appointment on trial will be subject to the conditions applicable to the recruitment of temporary staff. Appointment will be subject in particular to clearance at a medical examination the arrangements for which should be made through the Chief Medical Officer. When the Civil Service Commissioners are being notified, under (d), of trial appointments the relevant completed medical report forms should be forwarded to them.

(f) During the period of trial the widow's appointment will be strictly temporary and she will be employed on duties similar to those attaching to the position to which it is proposed to appoint her subsequently. The trial period will ordinarily be one month in the case of a widow who has been absent from the service for less than three years and 3 months in all other cases. The period may be extended if the Head of the Department/Office considers this necessary but, in all, it should not exceed one year. The widow will not be eligible for definitive appointment, in an established or unestablished capacity, unless she has, during the trial period, proved satisfactory as regards health, attendance, conduct and efficiency generally and is accepted by the Civil Service Commissioners as qualified for appointment. When a widow has satisfactorily completed her trial period her case should be submitted without delay to the Commissioners.

(g) The widow must take up duty at the time and place directed.

(h) Her entry pay will be as follows

(i) The current equivalent of the point she had reached on her scale before retirement. (In determining this point, any service by the widow on the maximum of her scale before retirement should, where appropriate, reckon for any additional increments in cases where the scale was since extended); or

(ii) If the salary appropriate to the position to which she is appointed is one to which age-pay applies, the age-point appropriate to her age; or

(iii) If she is older than the highest age to which pay is directly related, the highest age-point or the rate of pay determined under (i), whichever is the more favourable to her.

Entry pay will not in any circumstances exceed the maximum salary of the grade to which she is being appointed. Any period of trial preceding a definitive appointment may, subject to the normal regulations regarding the grant of increments, reckon for increment.

(i) The widow's service prior to retirement will reckon for superannuation purposes and any marriage gratuity paid to her will be recovered by deduction from any lump sum or gratuity payable on subsequent retirement or death in service.

(j) In addition, widows appointed to established positions shall, on appointment, serve a probationary period which normally will be of one year's duration. If, during this period, her services are satisfactory as regards health, attendance, conduct and efficiency generally, she may be finally appointed at the end of the year. On the other hand, if her services during the probationary period are unsatisfactory, her appointment may be terminated at any time; alternatively, the probationary period may be extended beyond a year.

Note Where a widow serves in a trial capacity and/or in an unestablished capacity before being appointed to an established position, the trial period and/or the unestablished service may, at the discretion of the Head of the Department/Office, be allowed to reckon in whole or in part towards completion of the probationary period referred to at (j).

#### Temporary appointments prior to retirement

5 The Minister for the Public Service will raise no objection to the employment by Departments/Offices of widows who served in a temporary capacity immediately prior to retirement provided that a suitable vacancy exists in the grade in which the widow previously served and that provision exists by way of excluding order for the Department/Office concerned to appoint persons to that grade. If an exclusion order which previously existed has expired this Department should be consulted.

#### Re-admission of former civil servants other than widows

6 An application for re-admission under the relevant statutory provisions from a former civil servant who retired for the purposes of marriage, but who did not get married, may be dealt with on the basis indicated above, as appropriate, without reference to this Department, provided the applicant has not been absent for more than six months. In these cases, the probationary period referred to at paragraph 4(j) may be waived but the officer should be required to finish any uncompleted portion of a probationary period which applied to her before retirement. All other applications for re-admission should be submitted to this Department. The conditions set out in paragraph 4 will also apply, as appropriate, to all other applicants re-admitted under the relevant statutory provisions.

#### Eligibility for promotion subsequent to re-admission

7 The Minister has accepted an agreed recommendation made by the General Council, under the scheme of conciliation and arbitration for the civil service, to the effect that any woman who is re-admitted in an established capacity, under the relevant statutory provisions, to a grade for which the Civil and Public Services Staff Association holds recognition and who is serving a probationary period after such re-admission should not be eligible for departmental promotion until she has satisfactorily completed the probationary period. The terms of this agreed recommendation should be implemented.

Previous Circulars

8 Circular 29/69 and DPS Circular 10/73 are superseded accordingly.

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K MURPHY