

Reference No: E109/125/97; **Date:** 10/02/98

Circular 4/1998:- Amendment to the job sharing scheme re reckoning of service and seniority

A Dhuine Uasail

1. I am directed by the Minister for Finance to refer to the job sharing scheme (reference Circular 3/84, Circular 2/88 and subsequent minutes to Personnel Officers - see Appendix to this Circular). Following on the European Court of Justice ruling in the case of Hellen Gerster v Freistaat Bayern, it is necessary to amend the job sharing scheme in certain respects as detailed below.

2. I am to say that, for the purposes of reckonable service (insofar as it affects qualifying service for purposes other than pay, incremental progression and superannuation), credit should be given for all job sharing service upon the same basis as full-time service. This is to apply to all appointments* made since 2 October 1997, the date on which the judgement was handed down. Paragraph 8 (i) of the Appendix to Circular 3/84 should, therefore, be deleted. When recalculating the reckonable service of staff who are job sharing, or who have job shared in the past, all service prior to 2 October 1997 will be taken into account. For example, if a person was appointed as an Executive Officer on 2 October 1993 and served in a full-time capacity for one year to 1 October 1994, then served in a job sharing capacity for two years to 1 October 1996 and resumed full-time on 2 October 1996, s/he would, up to now, have had three years reckonable service as of 2 October 1997. Under the revised arrangements, that person will have four years reckonable service as of 2 October 1997. Under the revised arrangements, that person will have four years reckonable service as of 2 October 1997.

3. The calculation of, and use of, seniority is, in general, a matter for each Head of Department. However, I am to say that the Gerster judgement means that it is not permissible, in general, under the Employment Equality Act, 1977, to reckon job sharing as anything other than fully equivalent to full-time service for seniority lists used for the purposes of promotion or other similar purposes. Where necessary, therefore, seniority lists will be amended on the same basis as described above, namely with effect from 2 October 1997, but including service prior to that date.

4. Job sharing service for purposes of calculating pay and superannuation entitlements should continue to be calculated on a pro rata basis as at present. Paragraphs 1 and 6 of the Appendix to Circular 3/84 remain unchanged.

Mise le meas

J McGovern
Assistant Secretary

* Includes all forms of selection processes in which reckonable service is a factor [eg promotions, assignment to higher duties, assignment to higher scales under restructuring agreements, qualification for IT gratuities (where still applicable), assignment to special posts, whether they attract an allowance or otherwise]

Appendix to Circular 4/98

REFERENCE GUIDE TO CIRCULARS AND MINUTES IN RELATION TO THE JOB SHARING SCHEME

CIRCULARS

Circular 3/84: Pilot Job-Sharing Scheme
Basic Circular on the job-sharing scheme

Circular 2/88: Amendments to job-sharing and career break schemes
Reducing the minimum period to one year

Circular 4/98: Amendment to the job sharing scheme re reckoning of service and seniority
For purposes of reckonable service (insofar as it affects qualifying service for purposes other than pay, incremental progression and superannuation), credit should be given for job sharing service on the same basis as full-time service.

MINUTES

Minutes to Personnel Officers from time to time amending or clarifying the scheme, in particular the following:

13 July 1984 and 12 June 1985	Arrangements arising from the filling of vacancies in provincial areas arising as a result of job-sharing
13 July 1984, 12 June 1985 and 12 March 1986	Operation of central transfer arrangements
31 March 1987 duty	Treatment for increment purposes of jobsharers on return to full-time
24 March 1993	Arrangements to apply in certain situations where an officer is unable to find a job-sharing partner in the parent Department
23 February 1994	Arrangements to apply in relation to the payment of children's allowances to staff who are job-sharing
17 June 1994	Purchase of service for superannuation purposes by jobsharers
14 July 1994	Arrangements to apply to jobsharers in relation to increments
27 March 1996	Clarification of arrangements to apply to jobsharers in relation to certain conditions of service, including (a) refund of fees and study leave, (b) overtime, (c) staff on loan, (d) promotion, and (e) division of public holidays.