(E109/92/84)

15 September 1998

Circular 18/98: Special leave without pay for career breaks

A Dhuine Uasail

1. I am directed by the Minister for Finance to refer to the career break scheme for civil servants. Departments1 are reminded of the importance which the Government attaches to the continued promotion of the career break scheme in the Civil Service and in the state sector generally. The scheme is promoted both for its original objective (namely, the need to generate additional employment opportunities where possible), and as being one of a number of facilities that help staff to combine work and family responsibilities.

Previous Circulars

2. This Circular supersedes Circular 28/86, Circular 2/88 and Circular 2/93 and all previous Circulars, minutes and directions to Departments relating to the career break scheme. However, see paragraph 3 below in respect of staff currently on a career break.

Effective date

3. The arrangements outlined in this Circular will apply to all career breaks commenced on or after the date of this Circular. Forms on the lines of those attached as Appendices 1 and 2 to this Circular should be used respectively for applications for career breaks and subsequent renewals.

4. Staff who, on the date of this Circular, are on a career break which commenced prior to that date, may opt either (a) to continue to have the terms under which their career break was granted applied to them until the end of their current career break or (b) to have the terms of this Circular apply to them with effect from the date on which their option is made known to their parent Department. A form on the lines of that attached as Appendix 3 to this Circular should be issued to such staff by Personnel Sections.

General

5. While staff will be facilitated as far as possible, the needs of the work may require that some applications will have to be refused. The operation of the career break scheme is subject to the operating requirements of Departments not being adversely affected or undue additional expenditure being incurred.

6. Where it is anticipated that there would be difficulties in facilitating the return of an officer from career break, (for example, in small Offices, or in offices outside Dublin, or from staff in grades in which there is a small number of staff serving), any filling of a vacancy created by an officer availing of the career break scheme in such cases should be effected using the following order of priority:

(i) by way of the voluntary temporary transfer of an existing staff member or

(ii) by the temporary assignment to higher duties of an existing staff member or

(iii) by the employment of temporary staff

or by such combination of these approaches as may be appropriate. This arrangement is necessary in order to avoid giving rise to supernumerary posts in the future. In the case of grades represented by the CPSU, transfers under (i) above should be by means of the Central Transfer Scheme in the first instance. The employment of temporary staff under (iii) above will be in accordance with the terms of the relevant restructuring and other agreements prevailing from time to time. The relevant staff interests will be consulted in accordance with the terms of such agreements.

Eligibility

7. Subject to what follows,

established civil servants, who have satisfactorily completed their probation and have served continuously since so doing, (periods of special leave without pay should not be considered to break continuity of service for this purpose) and

unestablished civil servants, who have satisfactorily completed two years' service may apply for special leave without pay for a career break, provided they have not reached retiring age and provided they have not been appointed for a fixed term. The duration of a career break may not extend beyond retiring age.

Delegated Sanction

8. Departments have delegated sanction to grant or refuse career breaks under the terms of this Circular. In view of the importance which the Government attaches to the continued promotion of the career break scheme and to the promotion of work sharing generally, Heads of Department are asked to grant applications for career breaks as far as possible, having due regard to the provisions of paragraph 5 above. Where disciplinary action has been initiated against an applicant, the application should be deferred pending a resolution of the disciplinary issue. Duration and Purpose

9. Subject to the following paragraphs, a career break shall consist of special leave without pay for a period of not less than six months and not more than five years. A career break may be extended in six monthly periods or in periods in excess of six months provided the total period of special leave without pay does not exceed five years in all.

10. Eligible staff may, in general, avail of two career breaks during their career in the Civil Service. A second career break may not be taken until the officer has served for a period equal to the duration of the initial career break. The total period of the special leave2 should not exceed ten years in all and no one period of absence should exceed five years. The maximum limit of two career breaks may be waived at the discretion of the Head of Department, provided the total period of special leave does not exceed ten years in total. The period of service requirement between career breaks may likewise be waived at the discretion of the Head of Department in exceptional circumstances.

11. A career break may be allowed for child-rearing, other domestic purposes (eg care of a sick relative), educational purposes and travel abroad. Educational purposes may be deemed to encompass certain training courses which include a practical training element for which there is a nominal payment/grant made to the student (eg training

as a nurse or as a solicitor). Career breaks are not available for educational purposes where the student/trainee is in an employment relationship with the training body and is in receipt of a normal salary/wage. Career breaks for educational purposes should not be granted for longer than the period of the particular course of study and/or training.

12. A career break of up to three years only may be granted for purposes of self employment subject to the following:

it must relate solely to genuine self-employment

there should be no potential conflict of interest between the self-employment in which the officer proposes to engage and his/her position in the Civil Service (eg, would not involve, or be perceived to involve, the use of confidential information gained in the course of official work or would not improperly influence the officer in the discharge of his/her duties, would not compromise, or be perceived to compromise, the officer's official position on return from career break) and

the officer should not undertake any consultancy work, or provide any service in return for payment, for his/her own Department or any other Government Department while on career break.

In order to ensure that the application complies with the above requirements, officers applying for a career break for self-employment, including any subsequent changes, must submit to their parent Department full details of the nature of the self-employment and an outline of their proposed business contacts and proposed client/customer base where appropriate.

13. The arrangements already in place for officers to be granted special leave without pay, up to a limit of five years, for the purposes of starting up a new business with genuine employment potential, are not affected by this provision. [Further information on the provisions relating to that form of special leave is available from your Personnel Section.] However, an officer may not avail of a career break under paragraph 12 above if s/he has already availed of special leave to start a business.

14. In all cases applicants should provide clear details of the exact purpose for which the career break will be used. If it comes to the attention of the Department that an officer is using a career break for a purpose other than that for which the career break was granted, the career break may be terminated immediately and the officer may be subject to disciplinary proceedings.

Non-Reckonability

15. Special leave without pay for a career break will not count as service and will not reckon for increment or superannuation purposes or towards qualifying service for annual leave or promotion.

Central Transfer Scheme

16. Special leave without pay for a career break will not reckon for purposes of progression under the Central Transfer Scheme. An officer who is on a transfer list should indicate, prior to commencing a career break, whether or not s/he wishes to be

made offers of transfer while on career break. Any offers made to an officer while on career break would be subject to the immediate resumption of duty in the new location and subject to the terms of the Central Transfer Scheme. The onus would be on the officer on career break to ensure that his/her Personnel Section have been supplied with an up-to-date contact address and telephone number.

Promotion and other appointments

17. An officer should indicate, on the appropriate form (reference paragraphs 3 and 4 above), whether or not s/he wishes to be considered for promotion and/or notified of competitions (interdepartmental, internal and other confined competitions) while s/he is on career break. The onus would be on the officer on career break to ensure that his/her Personnel Section have been supplied with an up-to-date contact address and telephone number. The onus would also be on the officer on career break to make herself/himself available for testing and/or interview as requested. If offered appointment as a result of the selection procedure, the date on which the appointment should take effect would be as laid down by the Head of Department. It is a matter at the discretion of the Head of Department as to whether an officer will be required to end the career break if s/he wishes to accept an offer made as a result of the selection process, or will be permitted to defer taking up the new appointment. Any deferment granted would be subject to the overall limits relating to duration of career breaks, as specified in paragraphs 9 to 14 above.

18. Officers who, immediately prior to commencing their career break, are on a current interdepartmental or internal promotion panel formed as a result of a formal competition or are candidates in an interdepartmental competition, which has not been completed, may, if offered an appointment as a result of the competition, opt either to return from the career break to take up the promotion or to remain on career break and defer the promotion until the expiry of their current career break period. The onus is on the officer on career break to ensure that his/her Personnel Section have been supplied with an up-to-date contact address and telephone number. On the expiry of their career break, they will be subject to the normal procedures regarding return to duty, as specified in paragraphs 22-32 below. If an officer, who had deferred taking up a promotion, wishes to extend their career break and defer the promotion further, it will be a matter at the discretion of the Head of Department (ie the Department to which the officer has been assigned as a result of the competition) as to whether or not to grant the extension, subject to the overall limits relating to duration of career breaks, as specified in paragraphs 9 to 14 above.

19. Staff on career break may apply for open recruitment competitions for which they are eligible (for grades other than their current grade). If offered an appointment as a result of the competition, they will be required to end the career break if they wish to accept the offer.

20. Neither the Civil Service Commission nor the parent or any other Department will be liable for any expenses incurred by an officer on career break in attending for interview or other form(s) of testing in relation to selection for promotion or appointment.

21. The starting pay, whether on promotion or on appointment from an open competition, of an officer on career break will be calculated as though s/he were a

serving civil servant at the time of promotion or appointment. As stated in paragraph 15 above, the period of absence on career break will not count as service.

Return to duty

22. Officers are required to contact their parent Department, in writing, at least two months before the expiry of the career break, to indicate whether they wish to (a) apply for an extension to the career break (if appropriate), (b) resume duty on expiry of the career break or (c) resign from the Civil Service. Where an officer fails to contact his/her parent Department as required above, the parent Department should contact the officer, no later than one month before the expiry of the career break, asking him/her to indicate his/her intentions.

23. An officer, who indicates that s/he wishes to resume duty, will be assigned to the next appropriate vacancy to be filled following the expiry of the career break, with a guarantee of re-employment in a relevant grade (not necessarily in his/her existing Department) within twelve months of the expiry of the career break. An appropriate vacancy, for these purposes, is a fillable vacancy, in the officer's grade and Department, in the location in which s/he was serving immediately prior to commencing the career break. In the context of this Circular, "location" means geographical location, with the Dublin area being treated as one such location.

24. Where an appropriate vacancy exists, or where it is known when one will arise, and the officer has indicated that s/he wishes to resume duty, the parent Department should contact the officer, giving him/her reasonable notice of the date for resumption of duty, bearing in mind the officer's circumstances. In the event of the officer failing to report for duty on that date, the parent Department should contact him/her to ascertain the reason. Where possible, the parent Department should then agree a revised date for resumption of duty with the officer, making it clear to the officer that, if s/he fails to report for duty on that date, the Department reserves the right to regard the undertaking as a formal offer of resignation from the Civil Service. In the event of the officer failing to report for duty on the revised date, the parent Department should contact him/her to inform the officer that the terms of the undertaking are being invoked and that the parent Department accepts his/her resignation with effect from the last day of the career break. An officer may not defer reporting for duty on the grounds that s/he has requested a change of location or job sharing (see paragraphs 30 and 31 below).

25. Where an appropriate vacancy does not exist, the parent Department should contact the officer at once to notify him/her of the position, indicating, where possible, when it is likely that a suitable vacancy may arise. Where it is likely that the officer may be reassigned to another Department, his/her parent Department should alert him/her to that possibility. Officers, who are waiting to resume duty at the end of their career break, should be advised to contact the Department of Social, Community and Family Affairs to ascertain whether or not they have any entitlements to Unemployment Assistance or any other benefits.

26. Where an officer fails to contact or respond to his/her parent Department as required (reference paragraphs 22 and 24 above), the parent Department should continue to attempt to contact the officer asking him/her to indicate his/her intentions. Where, in spite of making reasonable efforts, the parent Department is unable to make

contact with the officer or is unable to obtain a satisfactory reply as to the officer's intentions, the parent Department should inform the officer, in writing to his/her last known address, that the terms of the undertaking are being invoked and that the parent Department accepts his/her resignation with effect from the last day of the career break. As specified in the undertaking, the onus is on the officer on career break to ensure that his/her Personnel Section have been supplied with an up-to-date contact address and telephone number.

27. In view of the serious consequences which may arise as a result of noncompliance with the terms of the career break scheme with regard to resumption of duty, Departments are advised to ensure that correct procedures are followed, that written correspondence is sent by registered post and that the officer on career break is kept informed at all times of the steps being taken and of the current position. This applies to all officers whose career breaks are coming to an end, regardless of whether or not they have indicated that they wish to resume duty. It has been agreed with the staff representatives that, to allow for exceptional circumstances where a person may have a genuine difficulty in communicating with his/her parent Department, the terms of the undertaking (reference paragraphs 24 and 26 above) will not be invoked earlier than three months' following the last day of the career break.

28. If more than one officer in the same grade, Department and location is on career break, the order of priority in timing each return will be based on the chronological order in which the respective career breaks expire and, if necessary, on the chronological order in which the respective career breaks commenced.

29. Once an officer has indicated to the parent Department that s/he is available to return to duty, any time spent waiting for re-employment after the expiry of the career break (other than any delay on the part of the officer) will reckon as part of the career break period other than for purposes of the overall limits relating to duration of career breaks, as specified in paragraphs 9 to 14 above.

30. An officer does not have an entitlement to return to duty in a location other than that in which s/he was serving on commencement of the career break. However, Departments are asked to facilitate requests for change of location where feasible and subject to the requirements of the Central Transfer Scheme, where applicable.

31. An officer does not have an automatic right to return to duty in a job sharing capacity, even if s/he had been job sharing before commencing the career break. However, Departments are asked to facilitate such requests where feasible.

32. In general, officers should not be permitted to return before the expiry of the career break. However, the Head of Department may, at his/her discretion, allow an officer to resume duty before the expiry of his/her career break, provided s/he is satisfied that it is in the interests of the work of the Department or that the circumstances of the case are such that the officer's circumstances have changed in a way which could not reasonably have been foreseen when the career break commenced or was last renewed and that there is a fillable vacancy in the relevant grade in the Department and subject to it not disadvantaging another officer by reference to the order of priority outlined in paragraph 28 above.

Superannuation Arrangements

33. As stated in paragraph 15 above, the period on career break does not reckon for superannuation purposes. However, an officer may, in certain instances, have the period reckoned for superannuation purposes by making a contribution of an appropriate percentage of salary. As the arrangements and the percentage of salary may differ depending on an officer's individual circumstances, officers are advised to clarify the position with their own Personnel Section prior to commencing a career break. In this regard, the attention of Personnel Officers is drawn to General Council Report No. 1158 and to Department of Finance minute of 14 March 1990 and any subsequent amendments and/or clarifications.

Social Welfare Arrangements

34. As the arrangements, if any, for payment of certain social welfare contributions, or receipt of certain social welfare benefits or allowances, while on career break, may vary from time to time, officers are advised to check out their own individual situations with the Department of Social, Community and Family Affairs prior to commencing a career break and to check, periodically, as to the up-to-date position.

Applications

35. Applications under the career break scheme should be made to the parent Department. Each Department should inform staff as to whom applications should be addressed. Applications should state the purpose of the career break and the period of time for which it is sought. All officers must complete an appropriate form before being granted a career break or a subsequent extension (paragraph 3 above refers). Applications from officers on loan should be forwarded, through the Personnel Section of the Department in which they are serving, to their parent Department.

Queries

36. Officers should address queries in relation to this Circular to the Personnel Section of their parent Department. Mise le meas

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Assistant Secretary APPENDIX 1 TO CIRCULAR 18/98

APPLICATION FOR SPECIAL LEAVE WITHOUT PAY FOR A CAREER BREAK

[Applicants are advised to read this form and the associated circular 18/98 (PC 98) [referred to below as "the Circular"] carefully before signing. Applicants who are uncertain as to the meaning of any of the contents of the form should seek clarification from their Personnel Unit. Officers are, of course, free to seek independent advice.]

1. NAME: _____

2. MALE / FEMALE (delete as appropriate)

3. OFFICE ADDRESS:

4. CURRENT GRADE: _____

5. DATE OF BIRTH: _____

6. PURPOSE FOR WHICH CAREER BREAK IS SOUGHT: (reference paras 11-14 of the Circular)

CHILD-REARING

OTHER DOMESTIC (give full details)

EDUCATIONAL (give full details)

TRAVEL ABROAD

SELF EMPLOYMENT (give full details)

7. PERIOD FOR WHICH CAREER BREAK IS SOUGHT: (reference paras 9-14 of the Circular)

8. PREVIOUS CAREER BREAK(S) OR OTHER FORMS OF SPECIAL LEAVE WITHOUT PAY: (reference paras 9-14 of the Circular) Please state purpose, duration and dates of any career break or other form of special leave without pay previously taken (excluding periods of less than six months) 9. CENTRAL TRANSFER SCHEME (for grades represented by the CPSU) If you are currently on a transfer list, you should indicate here whether or not you wish to be made offers of transfer while on career break (reference para 16 of the Circular)

I am currently on a transfer list for I do / do not wish to be made offers of transfers to that location (those locations) while on career break.

10. PROMOTION/APPOINTMENTS (reference paras 17-21 of the Circular)

(a) While on career break, I do / do not wish to be notified of competitions (interdepartmental, internal and other confined);

(b) While on career break, I do / do not wish to be considered for internal promotions which do not involve a formal competition;

(c) I am / am not currently on a promotion panel for appointment as (Circular reference where applicable and date competition was announced should be included)

(d) I am /am not a candidate in the following interdepartmental competition which has not yet been completed

(Circular reference where applicable and date competition was announced should be included)

11. ADDRESS AND PHONE NUMBER at which I can be contacted while on career break (reference paras 17-18 and 22-27 of the Circular and the undertaking overleaf):

UNDERTAKING

I hereby undertake

to notify my parent Department of any change of address for correspondence purposes within one week of such change;

to respond promptly to any correspondence from my parent Department concerning my intentions on the expiry of my career break or any other matters concerning my career break;

to return to duty on such date following the expiry of my career break as directed..

In the event of my failing to report for duty on that date, my parent Department may, at any time thereafter, regard this undertaking as a formal offer of resignation from the Civil Service with effect from the last day of my career break, effect to be given to such resignation by written notification to me by my parent Department of their acceptance of my resignation.

SIGNED:

__ DATE: _

A copy of the completed, signed, form should be given to the officer to be retained by him/her while on career break.

APPENDIX 2 TO CIRCULAR 18/98

APPLICATION FOR RENEWAL OF SPECIAL LEAVE WITHOUT PAY FOR A CAREER BREAK

[Applicants are advised to read this form and the associated circular 18/98 (PC 98) [referred to below as "the Circular"] carefully before signing. Applicants who are uncertain as to the meaning of any of the contents of the form should seek clarification from their Personnel Unit. Officers are, of course, free to seek independent advice.]

1. NAME: _____

2. PURPOSE FOR WHICH CONTINUED CAREER BREAK IS SOUGHT: (reference paras 11-14 of the Circular) - if no change since original application, it is sufficient to tick appropriate purpose and state "no change" where details are requested

CHILD-REARING

OTHER DOMESTIC (give full details)

EDUCATIONAL (give full details)

TRAVEL ABROAD

SELF EMPLOYMENT (give full details)

3. PERIOD FOR WHICH EXTENSION OF CAREER BREAK IS SOUGHT: (reference paras 9-14 of the Circular)

4. CENTRAL TRANSFER SCHEME (for grades represented by the CPSU) If you are currently on a transfer list, you should indicate here whether or not you wish to be made offers of transfer while on career break (reference para 16 of the Circular)

I am currently on a transfer list for I do / do not wish to be made offers of transfers to that location (those locations) while on career break.

5. PROMOTION/APPOINTMENTS (reference paras 17-21 of the Circular)

(a) While on career break, I do / do not wish to be notified of competitions (interdepartmental, internal and other confined);

(b) While on career break, I do / do not wish to be considered for internal promotions which do not involve a formal competition;

(c) I am / am not currently on a promotion panel for appointment as (Circular reference where applicable and date competition was announced should be included)

(d) I am /am not a candidate in the following interdepartmental competition which has not yet been completed

(Circular reference where applicable and date competition was announced should be included)

6. ADDRESS AND PHONE NUMBER at which I can be contacted while on career break (reference paras 17-18 and 22-27 of the Circular and the undertaking overleaf):

UNDERTAKING

I understand that the conditions of my career break are as stated in Circular 18/98, a copy of which has been given to me. My attention has been particularly drawn to paragraphs 22-32 dealing with Return to Duty following the expiry of my career break and to paragraph 14 regarding use of my career break for a purpose other than that specified in my application, namely (purpose should be inserted). I understand that my career break expires on (date should be inserted).

I hereby undertake

to notify my parent Department of any change of address for correspondence purposes within one week of such change;

to respond promptly to any correspondence from my parent Department concerning my intentions on the expiry of my career break or any other matters concerning my career break;

to return to duty on such date following the expiry of my career break as directed..

In the event of my failing to report for duty on that date, my parent Department may, at any time thereafter, regard this undertaking as a formal offer of resignation from the Civil Service with effect from the last day of my career break, effect to be given to

such resignation by written notification to me by my parent Department of their acceptance of my resignation.

SIGNED: _____ DATE: _____ A copy of the completed, signed, form should be given to the officer to be retained by him/her while on career break.

APPENDIX 3 TO CIRCULAR 18/98

TO BE COMPLETED BY OFFICERS ON CAREER BREAK, WHOSE CAREER BREAK COMMENCED ON OR BEFORE 15 SEPTEMBER 1998 (the date on which Circular 18/98 issued)

OPTION TO BE EXERCISED IN RELATION TO THE TERMS APPLYING TO A PERIOD OF SPECIAL LEAVE WITHOUT PAY FOR A CAREER BREAK

[Officers are advised to read this form and the associated circular 18/98 (PC 98) [referred to below as "the Circular"] carefully before signing. Officers who are uncertain as to the meaning of any of the contents of the form should seek clarification from their Personnel Unit. Officers are, of course, free to seek independent advice.]

1. NAME:

2. PURPOSE FOR WHICH CAREER BREAK HAS BEEN GRANTED: (to be completed by Personnel Sections)

3. DATE ON WHICH CAREER BREAK IS DUE TO EXPIRE: (to be completed by Personnel Sections)

4. I WISH TO OPT TO CONTINUE TO HAVE THE TERMS UNDER WHICH MY CAREER BREAK WAS GRANTED (ie CIRCULAR 28/86 AND SUBSEQUENT AMENDING CIRCULARS AND MINUTES TO PERSONNEL OFFICERS) APPLIED TO ME UNTIL THE EXPIRY OF MY CAREER BREAK

YES / NO

5. I WISH TO OPT to have the terms of Circular 18/98 applied to me with effect from the date on which this NOTICE OF option is RECEIVED IN MY parent Department YES / NO

If you have indicated "Yes", you should complete qq 6-8 and the Undertaking overleaf also.

TO BE COMPLETED ONLY IF OPTION TO TRANSFER TO THE TERMS OF CIRCULAR 18/98 IS BEING EXERCISED (REFERENCE PARAGRAPH 5 ABOVE)

6. CENTRAL TRANSFER SCHEME (for grades represented by the CPSU) If you are currently on a transfer list, you should indicate here whether or not you wish to be made offers of transfer while on career break (reference para 16 of the Circular)

I am currently on a transfer list for I do / do not wish to be made offers of transfers to that location (those locations) while on career break.

7. PROMOTION/APPOINTMENTS (reference paras 17-21 of the Circular)

(a) While on career break, I do / do not wish to be notified of competitions (interdepartmental, internal and other confined);

(b) While on career break, I do / do not wish to be considered for internal promotions which do not involve a formal competition;

(c) I am / am not currently on a promotion panel for appointment as (Circular reference where applicable and date competition was announced should be included)

(d) I am /am not a candidate in the following interdepartmental competition which has not yet been completed

(Circular reference where applicable and date competition was announced should be included)

8. ADDRESS AND PHONE NUMBER at which I can be contacted while on career break (reference paras 17-18 and 22-27 of the Circular and the undertaking overleaf):

TO BE COMPLETED ONLY IF OPTION TO TRANSFER TO THE TERMS OF CIRCULAR 18/98 IS BEING EXERCISED (REFERENCE PARAGRAPH 5 ABOVE)

UNDERTAKING

I hereby undertake

to notify my parent Department of any change of address for correspondence purposes within one week of such change;

to respond promptly to any correspondence from my parent Department concerning my intentions on the expiry of my career break or any other matters concerning my career break;

to return to duty on such date following the expiry of my career break as directed..

In the event of my failing to report for duty on that date, my parent Department may, at any time thereafter, regard this undertaking as a formal offer of resignation from the Civil Service with effect from the last day of my career break, effect to be given to such resignation by written notification to me by my parent Department of their acceptance of my resignation.

SIGNED:

DATE:

A copy of the completed, signed, form should be given to the officer to be retained by him/her while on career break.

1 For "Department", read "Department or Office" throughout this Circular.

To: All Staff in all Government Departments and Offices

2 Other forms of special leave without pay (other than periods of less than six months, such as special leave taken under Circular 28/91 or short periods of special leave without pay for study purposes) will, in general, be taken into account when calculating this overall limit.