

Reference No: ; Date: 28/10/99

Circular 27/1999:- Extra Attendance

Reference No: E109/274/73; Date: 28/10/99

1. I am directed by the Minister for Finance to say that it has been decided to consolidate and clarify, in this Circular, existing general instructions regarding the arrangements for compensating extra attendance by members of general service grades up to and including Higher Executive Officer and of equivalent grades common to two or more Departments*. The rates of pay and time off in lieu are set out in the appendix to this Circular.

2. This Circular is also intended to remind Departments of their obligations under the Organisation of Working Time Act, 1997 insofar as the Act might have an impact on extra attendance. A copy of the Act, related Statutory Instruments and information booklets has already been circulated to Personnel Officers with this Department's letter of 27 February 1998. Additional copies of the Department of Enterprise, Trade and Employment's brief outline of the Organisation of Working Time Act, 1997, which covers the maximum working hours, night working and minimum rest period provisions of the legislation, can be obtained from the Information Unit, Department of Enterprise, Trade and Employment, Telephone No. 631-2121.

2. The extra attendance provisions of Circular 60/79 regarding official travel outside normal working hours, Circular 7/87 and any subsequent Circulars and letters from this Department about Extra Attendance are superceded accordingly.

3. Any queries from Departments relating to this circular may be directed to Room 17, Department of Finance, 73-79 Lower Mount Street, Dublin 2, Telephone 6767571 or VPN 8109, Extensions 5426, 5445, or 5448. Queries from individual officers should be directed to the Personnel Sections of their own Departments.

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Joe McGovern
Assistant Secretary

To/All Departments.

* for Department read Department/Office

APPENDIX TO CIRCULAR 27/99: EXTRA ATTENDANCE

(A) General

1. It is assumed that in each case officers are working a Monday to Friday week.

2. Any existing arrangements more favourable than those set out below should continue to apply, provided they comply with the Organisation of Working Time Act, 1997.

3. Where officers wish to opt for time off in lieu, instead of extra attendance payments, the granting of time off in lieu shall be at the discretion of the Head of the Department concerned, having regard to the exigencies of the service, and shall not, in particular, be allowed in any case where it would give rise to additional overtime working.

4. In any case of extra attendance, Departments should be satisfied that the amount or nature of the work makes such attendance unavoidable. In particular, Departments should ensure that attendance on Saturdays, Sundays and Public Holidays is kept to a minimum. Where such attendance is necessary, every effort should be made to avoid a situation where staff attend for very short periods only.

5. Extra attendance by Higher Executive Officers must be authorised by an Officer at or above the rank of Principal. It is not expected that payments to Administrative Officers for extra attendance will arise frequently but where, on the specific prior direction of the Principal in charge of the section, an Administrative Officer is required to give extra attendance in any week, a gratuity should be paid on the basis applying to Higher Executive Officers (see paragraphs 7 to 10).

(B) Authorised extra attendance during the normal (Monday to Friday) working week

Executive Officer, Staff Officer, Clerical Grades and grades for which the Federated Union of Government Employees holds recognition and which are conditioned to a 41-hour week gross

6. The following rates apply:

First 3 hours Rate plus one-quarter or time off in lieu at flat rate

Next 5 hours Rate plus one-half or time off in lieu at flat rate

Thereafter Double rate or time off in lieu at flat rate.

Higher Executive Officer/Administrative Officer

7. Extra attendance gratuities should be calculated by reference to the lesser of the officer's actual scale point or the sixth point of the Higher Executive Officer (standard) scale and should only be made for completed hours of actual attendance (including attendance on Saturdays, Sundays or Public Holidays).

8. The following rates apply:

First hour No payment or time off in lieu

Next 2 hours Rate plus one-quarter or time off in lieu at flat rate

Next 5 hours Rate plus one-half or time off in lieu at flat rate

Thereafter Double rate or time off in lieu at flat rate

(C) Authorised extra attendance on Saturdays, Sundays and Public Holidays

9. The minimum payment for extra attendance on Saturdays, Sundays and Public Holidays is that appropriate to attendance for three hours. Thus, where officers attend for less than three hours, the appropriate payment should be determined as if a minimum of three hours attendance had been given.

10. The following rates apply:

Saturdays

Midnight (Friday) Double rate or time off in lieu at rate of time to 9.15 a.m. and after 1 p.m. plus one-half

Complete period Rate plus one-half or ordinary extra attendance from 9.15 a.m. to 1 p.m. rate, whichever is more favourable to the officer, or one day off in lieu

Part of the period Rate plus one-half or ordinary extra attendance 9.15 a.m. to 1 p.m. rate, whichever is more favourable to the officer, or time off in lieu at the rate of time plus one-half

Sundays and Public Holidays
Double rate or time off in lieu at rate of time plus one-half

(D) Minimum payments to officers called to attend at their place of work outside of normal working hours.

11. 00.00 hours to 08.00.	08.00 hours to 24.00 hours
4 hours minimum overtime	3 hours minimum overtime

Where an attendance commences before midnight and is completed after midnight, a minimum payment of 4 hours overtime at the appropriate rate should be made. For example, if an officer, who has not done any overtime earlier in the week, commences overtime at 10.00 p.m. on a Friday and finishes at 12.30 a.m. on Saturday, the minimum attendance payment for four hours overtime will be 2 hours at time plus one quarter, to cover the period up to midnight, and 2 hours at double time to cover the remainder of the attendance.

(E) Grades not dealt with above which are common to two or more Departments

Classification of grades

12. Comparisons between grades for the purpose of determining entitlement to compensation for extra attendance should be on the basis of comparable stable salary positions. Changes in pay scales should not affect entitlement to payment for extra attendance until it is clear that the changed relativities are likely to endure. Grades which change their position relative to the general service grades of Executive Officer or Higher Executive Officer should have their entitlement to payment for extra attendance changed or withdrawn as appropriate.

13. The particular grades to be regarded as entitled to the gratuity arrangements referred to at paragraph 15 following and the authorisation procedures which would apply to them must be agreed between the Staff and Official Sides.

Grades at or below the level of Executive Officer

14. Grades which are conditioned to a gross working week of 41 hours and which are designated as overtime grades, should be compensated for authorised extra attendance on the same basis as grades covered by paragraph 6 above.

15. The Official Side of the General Council have stated that they would be prepared to recommend the designation as overtime grades of any grades which are conditioned to a fixed number of working hours per week and which, on the basis of salary, are accepted as being at a level equivalent to that of Executive Officer or lower.

Grades between the level of Executive Officer and Higher Executive Officer

16. The grades concerned are those which are conditioned to a fixed number of working hours per week and which, on the basis of salary, are above the level of Executive Officer but not above the level of Higher Executive Officer.

17. Where, on the prior direction of an officer ranking at least two grades higher than the officer who performs the extra attendance, an officer in one of the grades referred to at paragraph 15 is required to give extra attendance in any week, he/she should be compensated on the basis applying to Higher Executive Officers subject to the proviso that the rates of payment should be calculated by reference to the officer's actual scale pay or the sixth point of the Higher Executive Officer (standard) scale, whichever is the lower.

(E) Other Provisions

Higher Duties Allowances

18. Where an officer is performing the duties of a higher grade, the higher duties allowance may be reckoned for the purpose of calculating extra attendance payments provided :-

- (a) the grade in respect of which the higher duties allowance is payable qualifies for extra attendance payments, and
- (b) the officer is performing the duties of the higher grade during the period of extra attendance.

Thus, for example, where a Clerical Officer, who is in receipt of an allowance for the performance of Staff Officer duties, gives extra attendance on these duties the allowance should be included with pay for the purpose of calculating the appropriate extra attendance payments. However, a Higher Executive Officer in receipt of a higher duties allowance would not receive any payment for extra attendance while performing the duties of an Assistant Principal.

Shift Allowances

19. Shift allowances, and where appropriate night duty allowance, payable to any overtime grade are reckonable for the purpose of calculating extra attendance payments. In the case of officers who are in receipt of such allowance(s) the upper limit for the calculation of extra attendance payments is the lesser of the officer's actual scale point plus allowance or the sixth point of the Higher Executive Officer (standard) scale, plus allowance (calculated by reference to the sixth point of the Higher Executive Officer (standard) scale).

Job-sharing Staff

20. Staff who are job-sharing should be treated in the same way as full-time staff in allocating extra attendance work. There is no distinction in the definition of extra attendance for full-time and job-sharing staff, namely extra attendance outside the span of the conditioned working day of full-time staff in the grades concerned (9.15 a.m. to 5.30 p.m. in the case of most general service grades). In this connection, the "overtime week" for the purpose of aggregating hours of extra attendance in order to determine the appropriate rate of payment, begins on a Monday. Thus, job-sharing officers following a week-on/week-off or a half day on/half day off attendance regime are treated the same as full-time staff. However, overtime calculations in respect of a job-sharing officer with a split week attendance regime (e.g. Wednesday to the following Tuesday, both days inclusive) would be based on a two week period.

Paid Meal Breaks and Minimum Rest periods

21. A paid meal break should be allowed to staff giving extra attendance on the basis of fifteen minutes per hour of extra attendance, subject to a maximum paid break of half an hour on any one day. Departments must also ensure that the timing of such breaks comply with Section 12 of the Organisation of Working Time Act, 1997 which deals with minimum rest breaks during work. In this connection Section 12 of the Act provides that :-

"(1) an employer shall not require an employee to work for a period of more than four hours and thirty minutes, without allowing him or her a break of at least fifteen minutes.

(2) an employer shall not require an employee to work for a period of more than 6 hours, without allowing him or her a break of at least 30 minutes; such a break may include the break referred to in subsection (1).

(3) the Minister may by regulations provide, as respects a specified class or classes of employee, that the minimum duration of the break to be allowed to such an employee under subsection (2) shall be more than thirty minutes (but not more than one hour).

(4) A break allowed to an employee at the end of the working day shall not be regarded as satisfying the requirement contained in subsection (1) or (2).

Travel Time

22. Where members of the grades to which this Circular applies are engaged on domestic travel or European Travel arising from this country's membership of international organisations, and are required to spend time in travelling outside official hours, time so spent may be treated as overtime or extra attendance as appropriate, subject to the following :-

(i) Travel during the normal working week (Monday to Friday)

In the case of the outward journey (i.e. a journey commencing at the officer's home or normal place of work) the first half-hour of travel time outside of official hours shall not be reckoned. A period of one half-hour shall also be deducted from any travel time outside official hours involved in an inward journey (i.e. a journey ending at an officer's home or normal place of work). In the case of overtime grades, all remaining travel time outside official hours shall be reckonable. In the case of grades covered by the extra attendance gratuity arrangements applicable to Higher Executive Officers, each completed hour of the remaining travel time outside of official hours shall be reckonable.

(ii) Travel on Saturdays, Sundays or Public Holidays

All travel time shall be reckonable for overtime grades, and each completed hour of travel time shall be reckonable for the grades covered by the extra attendance gratuity arrangements applicable to Higher Executive Officers.

(iii) Appropriate rate of payment for "Travel Time" Overtime

In determining the appropriate payments for an officer to whom the provisions of this paragraph apply, reckonable travel time shall be combined with any extra attendance given on duty in the relevant period.

(iv) Staff who do not work the normal Monday to Friday week

Arrangements equivalent to those outlined above may be applied in the case of staff who do not work the normal Monday to Friday week.

An Roinn Airgeadais