



Circular 9/2016

14 June, 2016

Ms Rosarii Mannion  
National Director of Human Resources  
Office of the National Director of HR, HSE  
Dr. Steevens' Hospital  
Dublin 2

**Re: Temporary Contracts for posts at a higher grade**

Dear Rosarii

I am directed by the Minister for Health to convey the following instructions with reference to HSE HR Circular 017/2013 and associated HR Guidance document and in relation to the procedures to be followed when placing staff on temporary contracts for posts at a higher grade.

**1. Temporary Contracts to contain the following information**

- 1.1 The permanent substantive grade and salary of the employee will not be impacted by the temporary appointment to a post at the higher grade.
- 1.2 Service will continue to be accrued by the individual at his or her permanent substantive grade.

**2. Prior sanction to be sought from the Department for awarding temporary contracts to a higher grade for 12 months or more**

- 2.1 In accordance with the HR Guidance Document associated with HSE HR Circular 017/2013, temporary contracts for posts at a higher grade that extend beyond 12 months will only be on an exceptional basis as it would run counter to the concept of temporary contracts.
- 2.2 In these exceptional circumstances and prior to making an offer of a temporary contract for a post at a higher grade for a period longer than 12 months, written sanction must be sought and received from the Department, through National HR, HSE. This also applies in cases where an existing temporary contract is extended to a period exceeding 12 months. As soon as the HSE process to seek internal approval / sanction as outlined in the HR Guidance document is complete, a business case must be prepared for the Department setting out the circumstances of the position and outlining why the position requires a temporary contract of this duration.

- 2.3 In the case of any extensions to a temporary contract approved under paragraph 2.2, applications for sanction from the Department must be received in the Department at least 3 months in advance of the expiry date.
- 2.4 For those temporary contracts currently in place where the duration already exceeds 12 months, a business case must be prepared and submitted immediately to National HR, HSE for consideration and onward transmission, as appropriate, to the Department for written sanction, without delay.
- 2.5 Section 38 providers must make a business case for temporary contracts for posts at a higher grade extending beyond 12 months to National HR, HSE for consideration. If approved, National HR, HSE will forward the business case to the Department for written sanction.

### **3. Submission of applications**

Applications should in the first instance be submitted to National HR, HSE for consideration and approval before onward submission to the Department.

### **4. Superannuation arrangements - Temporary Contracts**

- 4.1 As noted at 1.1 above, the permanent substantive grade and salary of an employee awarded a temporary contract to a post at a higher grade will not be impacted by the temporary appointment.
- 4.2 The employee will continue to accrue service at his/her permanent substantive grade and this is the relevant grade for superannuation purposes.
- 4.3 The additional monies reflecting the difference between the permanent substantive salary and the salary of the higher post will, for pension purposes, continue to be treated as follows;

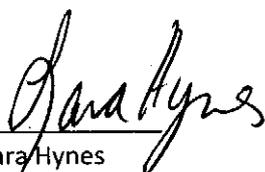
Employees that are appointed to a higher grade in a temporary capacity with remuneration at a level that applies to the temporary higher post are deemed to retain their permanent substantive grade and in this regard pensionable remuneration at retirement will be based on the salary relevant to the lower permanent substantive grade. The excess payment under the temporary contract up to the level of the higher post will be dealt with in accordance with the revised method for reckoning variable pensionable allowance for pension purposes. ('best 3 in 10').

### **5. Queries**

Any employee queries in relation to this Circular should be directed to the relevant employer. Requests for clarification from Section 38 providers as well as from local / regional HSE management should be directed to National HR in the HSE.

### **6. Circulation**

Please ensure that this circular is brought to the attention of all necessary staff in the HSE and in agencies funded under section 38 of the Health Act 2004.



Lara Hynes  
Principal Officer  
National HR Unit