



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna  
Feidhmeannacht na Seirbhíse Sláinte  
Ospidéal Dr. Steevens'  
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Tel: (01) 662-6966

**HSE HR Circular 003/2014**

**20th March, 2014.**

**To: Each Member of Leadership Team, HSE;  
Each Regional Director of Performance & Integration, HSE;  
Each Assistant National Director, Human Resources, HSE;  
Each CEO Voluntary Agency / Hospital, HSE.**

**From: Barry O'Brien, National Director of Human Resources**

**Date: 20th March 2014**

**Re: Payment of Night Duty Hours to NCHDs**

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I refer to the provisions of Labour Court Recommendation 20671 (LCR 20671) attached, issued on 19<sup>th</sup> December 2013. The ruling was accepted by health service management and the Irish Medical Organisation.

LCR 20671 states that the Court recommends:

“ . . that the doctors receive payment for night work in line with normal practice in the HSE in accordance with the provisions set out in the Terms and Conditions of Employment of HSE staff issued in May 2009”

The HSE Terms and Conditions of Employment (May 2009) state, in relation to night duty

“Night duty, which is normally defined as hours worked between 8.00 p.m. and 8.00am, attracts a premium payment of T¼. This premium is only payable to employees rostered for duty through the night, i.e. work at least 3 hours between midnight and 7.00 a.m. It does not include twilight shifts that extend into night duty hours (e.g. a roster from 4pm – midnight would not attract night duty premium).”

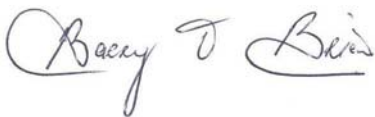
Taking this into account health service employers should now proceed to payment of NCHD night duty hours at a rate of T¼ on the following basis:

- the NCHD is rostered for duty through the night as part of core hours and as part a roster the sole purpose of which is to provide night cover e.g. not a roster which provides for both night and day cover – for example, a 24 hour roster would not result in payment for night duty;
- the NCHD works at least 3 hours between midnight and 7am;
- only hours worked between 8pm and 8am are eligible for payment at the rate of T<sup>1</sup>/<sub>4</sub>;
- standard arrangements for payment of hours worked on Sundays or bank holidays continue to apply e.g. no additional payment for night duty is made for hours paid at other than flat rate;
- standard arrangements for payment of overtime apply. NCHD Contract 2010 provides for payment of overtime for hours worked in excess of 156 in a four week period e.g. e.g. no additional payment for night duty is made for hours paid at other than flat rate;
- those NCHDs working in Emergency Departments in receipt of T1/6 arising from participation in a continuous rotating shift which requires delivery of the core 39 hours over a 24 hour, 7-day week cycle do not receive payment at night duty rates.

Health service employers should examine rostering arrangements in place since the issue of LCR 20671 and reimburse NCHDs for any night duty undertaken in line with the above during the period from 19<sup>th</sup> December 2013 up to the present date.”

Any queries regarding the implementation of the circular or matters contained in the guidelines should be addressed to: Corporate Employee Relations Services, HSE HR Directorate, 63-64 Adelaide Road, Dublin 2. Tel: 01 6626966; Email: info.t@hse.ie.

Yours sincerely,



**Barry O'Brien**  
**National Director of Human Resources.**