

Circular Title: **Resignation and Retirement Notice
Periods**

I am directed by the Minister for Public Expenditure and Reform to say that the following arrangements will apply with effect from 1 September 2012 in respect of the notice requirement for resignations and retirements from the Civil Service:

Circular Number: **Circular 10/2012**

Purpose: **To provide the Civil Service with a Circular outlining the required notice period for resignations and retirements from the Civil Service**

Status: **This Circular hereby revokes LP 6/7/1983 and LP 6/7/2011**

Circular Application: **All staff in the Civil Service except where a contract specifies a longer notice period**

Relevant Employment Law: **Civil Service Regulation Acts 1956 -2006
Minimum Notice and Terms of
Employment Act 1973**

Effective From: **1 September 2012**

Responsibility for Implementation: **All Civil Servants**

1. Introduction

The Civil Service is committed to providing efficient and well-managed services. It is critical that Civil Service management are made aware in good time of any staff intending to resign or retire so as to facilitate an assessment of the impact of the resignation or retirement on the business area. A mandatory notice period is therefore being introduced with effect from 1 September 2012. It should be noted that officers retiring on grounds of ill health are covered by the procedures laid down in Circular 22/2007.

2. Retirement

Retirement occurs when an officer leaves their Civil Service employment with immediate entitlement to superannuation benefits. Details of Civil Service superannuation schemes and Circulars are outlined at Appendix 1.

3. Resignation

An officer may resign from the Civil Service at any time during their career. Officers should be aware that re-entry to the Civil Service following resignation will only be by appointment from an open competition.

The Civil Service Code of Standards and Behaviour (Circular 26/2004 refers) details the specific requirements placed on certain Civil Servants following their retirement or resignation.

4. Required Notice Period

Staff are required to submit formal written notice of their intention to resign/retire to the HR Unit via the Head of the Division. The written notice should have regard to the following:

- (i) The following notice periods apply:
 - Staff at Principal level or equivalent grades and above are required to give three months notice of intention to resign/retire from the Civil Service.

- Staff at Assistant Principal level or equivalent grades and below are required to give one months notice of intention to resign/retire from the Civil Service.
- (ii) The last day of service must be clearly indicated.
 - (iii) The notice of resignation/retirement must be unconditional.
 - (iv) A notification of resignation/retirement may not be withdrawn on or after the date indicated as the last date of service.

For certain critical posts it may be necessary to require staff to give notice in excess of one/three months. Such posts should be identified by each Department/Office having regard to the business needs of the organisation and, for example, the time necessary to recruit/train replacement staff. Where an extended notice period is required, this should be clearly stated in the terms of the appointment letter or contract for a particular post and is only effective while the person serves in that post.

In cases where an individual contract exists, the notice period as specified in that contract will apply.

5. Annual Leave

Annual leave entitlements may be taken as part of the overall notice requirement. Every effort should be made to ensure that officers are facilitated in taking any annual leave entitlement (including carryover leave) in advance of their resignation/retirement date. Payment in lieu of annual leave should only be allowed in very exceptional cases: Paragraph 24 of Circular 27/2003 - Annual Leave and Letter to Personnel Officers of 17.11.2006 refer.

6. Retirement - Failure to give required notice

Failure to give the required notice may result in the payment of superannuation benefits and any other payments due being delayed. Salary will only be paid to the last date of actual service.

7. Responsibility of Officers

Officers must comply with the notice requirement as outlined in paragraph 4 but are encouraged to give more notice where possible so that any impact of their departure on service levels can be addressed.

8. Responsibility of Head of Division/HR Unit

On receipt of a resignation/retirement notice the Head of Division should arrange an interview with the officer concerned to discuss the intended departure date, succession and hand-over plans.

The impact on service levels should always be assessed when considering whether it is necessary to fill the vacancy.

9. Circulation

The revised arrangements in relation to notice period should be brought to the attention of all staff. Officers should address queries in relation to this Circular to the HR Unit in their own Department/Office.

Mise, le meas,

Louise McGirr
Principal
Civil Service HR Policy Unit

31 July 2012

To: All Departments etc.

Appendix 1

Superannuation Schemes

Membership of the Civil Service superannuation schemes is a condition of employment in the Civil Service. An Officer's entry date to the Civil Service will in general determine the age, if any, at which he/she must compulsorily retire. The following is a list of superannuation benefits and relevant circulars which may be of assistance in making a decision to retire. However prior to actually making a final decision to retire, an officer may wish to consult their HR/Pension Unit for clarification on their own entitlements. Further information on superannuation entitlements can be got from www.cspensions.gov.ie

- Circular 10/2005 sets out the arrangements for Cost Neutral Early Retirement.
- Circular 22/2007 sets out the arrangements for Ill Health Retirement.
- Civil Servants who joined the Civil Service prior 1 April 2004 are required, under current legislation, to retire at the maximum retirement age which is 65 years of age.
- Civil Servants who joined the Civil Service on or after 1 April 2004 and are a "new entrant" as defined in section 2 of the Public Service Superannuation (Miscellaneous Provisions) Act 2004, are not required to retire at 65 as the maximum retirement age was removed under this Act.
- Civil Servants who join the Civil Service and are members of the new Single Public Service Pension Scheme will have a maximum retirement age of 70¹.

In cases where officers resign from the service without immediate entitlement to superannuation benefits they should be provided with details of any accrued entitlement to superannuation benefits.

¹ Refer to the Single Public Service Pension Scheme legislation for specific retirement ages in the different sectors