

Civil Service Conciliation and Arbitration Scheme

General Council Report 1335

(Meeting/s of 29 July 1998)

Promotion to Higher Executive Officer

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Promotion to Higher Executive Officer level - interdepartmental Scheme

1. As agreed at General Council this Scheme has been reviewed by the Official and Staff Sides.
2. The review was carried out by a Sub-Committee comprising both sides.
3. The Sub-Committee agreed that a competition for appointment to posts at Higher Executive Officer level should be held under the terms of the Scheme. It also agreed to propose a number of changes to the Scheme. The Report of the Sub-Committee is attached. It was agreed that effect be given to the Sub-Committee's Report.
4. The Report was adopted on 29 July 1998.

Report of the Sub-Committee of the General Council set up to review the Scheme of promotion to Higher Executive Officer level posts.

1. The Sub-Committee conferred on a number of occasions up to July 1998.
2. After discussion, the Sub-Committee agreed to recommend to the General Council that effect be given to;
 - (a) a Scheme to cover promotions to certain posts at Higher Executive Officer level for the period beginning 1 January 1999,
 - (b) an amendment to the Scheme to provide that, in the event of a candidate invited for interview accepting an offer of promotion made in the normal course or under the Scheme or to a grade covered by the Scheme, his/her invitation to interview would lapse and s/he would no longer be eligible to take part in the competition (paragraph 23 of the revised Scheme refers).
3. Details of the revised Scheme are set out in the Appendix to this Report.

Scheme of interdepartmental promotion to posts at Higher Executive Officer level

Definitions

1. A "Department" includes any Office such as the Central Statistics Office, the Office of the Revenue Commissioners, the Office of Public Works and the Civil Service Commission (CSC) which is normally treated as a separate nominating unit for the purposes of interdepartmental competitions. It also includes FAS and NAOSH (National Authority for Occupational Safety and Health). The Land Registry/Registry of Deeds of the Department of Justice, Equality and Law Reform and the combined District and Circuit Court services of the same Department will be treated as separate offices for the purposes of this scheme.

A "provincial location" means a location outside of Dublin.

A "fillable vacancy" means

- (i) an existing post on a Department's total establishment in the grade of Higher Executive Officer which becomes vacant on or after 1 January 1982 or a new post created in that grade on or after the same date,
- (ii) for the Office of the Houses of the Oireachtas an existing post on the total establishment in the grade of Senior Clerk which is vacant on or after 1 January 1989 or a new post created in that grade on or after the same date,
- (iii) for FAS an existing post on the total establishment in the grade of Higher Executive Officer which is vacant on or after 1 January 1989 or a new post created in that grade on or after the same date,
- (iv) for NAOSH an existing post on the total establishment in the grade of Higher Executive Officer which is vacant on or after 1 January 1992 or a new post created in that grade on or after the same date, and which is to be filled by promotion.

Posts which have traditionally been filled by interdepartmental competition shall not reckon as vacancies for the purposes of this scheme.

Scope and application of the scheme

2. The following posts will be filled under the scheme:

- (i) every third fillable vacancy in the grade of Higher Executive Officer in all Departments (excluding the Land Registry/Registry of Deeds of the Department of Justice, Equality and Law Reform),
- (ii) every third fillable vacancy in the grade of Senior Clerk in the Office of the Houses of the Oireachtas,
- (iii) fillable vacancies in the grade of Higher Executive Officer in Departments having an import quota; the number of vacancies to be filled in this manner will be determined by reference to the import quota assigned to individual Departments (see paragraph 16),

- (iv) the non-specialist Higher Executive Officer post in the Land Registry/Registry of Deeds of the Department of Justice, Equality and Law Reform,
 - (v) one fillable vacancy in the grade of Higher Executive Officer in FAS for each officer serving in FAS who is appointed under the terms of this scheme, and
 - (vi) one fillable vacancy in the grade of Higher Executive Officer in NAOSH for each officer serving in NAOSH who is appointed under the terms of this scheme.
3. In calculating the sequence of vacancies for these purposes, posts filled under paragraph 45 below will not reckon.

4. An interdepartmental competition will be held to fill all vacancies within the meaning of the scheme. Two panels of qualified candidates placed in order of merit will be established as follows:

(i) Panel A - Higher Executive Officer

This panel will be formed from among all qualified candidates who are placed on Panel B and who are Executive Officers whose parent Departments are assigned an export quota (see paragraph 16). The number of candidates on this panel from any Department shall not exceed four times the export quota determined for that Department. The panel will be drawn from in order of merit to fill every post falling to be filled under paragraph 2(iii) above. The determining factor for the purpose of deciding which candidates are from exporting Departments will be their parent Department as on the eligibility date specified in the Circular advertising the competition.

(ii) Panel B - Higher Executive Officer level

This panel will be formed from among all qualified candidates. The panel will be drawn from in order of merit to fill posts under paragraphs 2(i), (ii), (iv), (v), (vi) above.

It should be noted that appointments will be made from the panels strictly in accordance with the order in which vacancies fall to be filled.

5. Candidates who have been **qualified for appointment** will be required to specify the provincial locations (if any) where they would be prepared to serve on a form to be supplied by the CSC. Candidates **placed on the panels** will be offered appointments to Dublin and *such provincial locations so specified*, should appointments in those locations arise. Candidates on the panels will *not* be offered appointments to provincial locations other than those specified. However, should an appointment arise in a location which has not been listed on the form supplied by the CSC, it will be offered, in order of merit, to officers on the panels and will not effect the position regarding refusals of appointments as outlined in paragraph 34 below.

6. Where a vacancy falls to be filled from both Panel A and Panel B, it will be filled from Panel A, thereby also discharging the liability to Panel B.

7. In the event that Panel A is exhausted before all the import quotas have been satisfied, any subsequent Panel A liabilities will be filled by the appointment of candidates from exporting Departments placed on Panel B but excluded from Panel A because of the export quota limitation referred to in paragraph 4(i). If there are no candidates from exporting Departments remaining on Panel B at that stage, Panel A liabilities will be met by the appointment of candidates from Panel B in order of merit. In the event that Panel B is exhausted prior to its expiry date there shall be consultation between the Official and Staff Sides as regards the arrangements to apply for the outstanding period.

8. If a post cannot be filled from a panel **on grounds of grade** or because it is in **FAS or NAOSH** (see paragraphs 32-39 below), it may then be filled internally in the Department concerned and this will be deemed to satisfy that Department's obligation to the panel in that instance. If, however, a post in a provincial location cannot be filled from a panel on **grounds of geographic location** (see paragraphs 32-39 below) and it cannot subsequently be filled under the provisions of paragraph 37(b) below, it may then be filled internally in the Department concerned *but* that Department will carry a debt forward, for that particular location, to the next equivalent panel established under this scheme. The next fillable vacancy that arises in that particular location in the Department concerned during the life of the subsequent panel will be due to be filled from the panel; if it cannot be filled in this manner, the debt will lapse. If a post in **Dublin** cannot be filled from a panel on **grounds of geographic location** (see paragraphs 32-39 below) it may then be filled internally in the Department concerned *but* that Department will carry a debt forward, for Dublin, to the next equivalent panel established under this scheme. The next fillable vacancy that arises in Dublin in that Department during the life of the subsequent panel will be due to be filled from the panel.

9. An Executive Officer promoted to the grade of Higher Executive Officer under Circular 30/65 or any later Circular containing similar provisions governing the return of an officer to fill a post of Higher Executive Officer in his/her parent Department, will, on his/her return to such Department, be regarded as filling the next vacancy which would normally be due to be filled from Panel B.

Duration of the panels

10. The panels will be valid for a period to be specified in the Circular governing the competitions. The period of validity may be extended by agreement between the Official and Staff Sides.

Eligibility for the competition for Higher Executive Officer level posts

11. Candidates must on the date they apply for the competition (i.e. a date between the date of the relevant Circular and the CSC closing date for the competition)

(a) be serving in an established capacity in the Civil Service as an Executive Officer

or

a Junior Clerk in the Office of the Houses of the Oireachtas

or

an Executive Officer on secondment to FAS or NAOSH from the Civil Service,

and

(b) on a date to be specified have not less than five years' service in their existing grade or an aggregate of five years' service in eligible grades or not less than seven years' total service of which not less than two years was in an eligible grade (as specified at (a) above). Service in the former grades of Officer and Indoor Officer of Customs & Excise in the Office of the Revenue Commissioners will count as service in an eligible grade,

and

(c) be certified by the Head of Department as suitable for consideration having regard to:

(i) performance of work in the present grade,

(ii) suitability for promotion to Higher Executive Officer level posts, and

(iii) general conduct.

12. A candidate's (i) eligibility for the competition and (ii) health and the level of sick leave are not verified until a candidate comes under consideration for appointment. In considering a successful candidate's suitability for appointment from the point of view of health and sick leave the Civil Service Commissioners will have regard to Circular 34/76 (as amended by Circular 32/91).

13. Officers on probation are not eligible to compete excepting where they would have been eligible had they remained in their previous grade and they have served continuously since satisfactorily completing a period of probation (periods of leave without pay should not be considered to break continuity of service for this purpose).

Special provisions

14. Executive Officers serving as HEO/Systems Analyst are eligible provided that they (a) have the service specified in paragraph 11 above, (b) were appointed from the panel formed under Circular 19/84, (c) are serving in a Department other than their parent Department and (d) have not been appointed definitively to their post.

15. The eligibility of any particular grade or group for appointment to any grade under the competition held under this scheme applies exclusively in the context of the scheme.

Import/export quotas

16. Departments will be assigned an import/export quota on the basis of promotional trends from Executive Officer to Higher Executive Officer. Departments will be informed of their quotas. The Land Registry of the Department of Justice, Equality and Law Reform, the Office of the Houses of the Oireachtas, FAS and NAOSH will not be assigned an import/export quota.

17. Departments which in the preceding period of three years had more or less than the average number of promotions to Higher Executive Officer (calculated by multiplying the annual average of eligible officers in each Department by the ratio which the number of promotions to the grade service-wide bore to the number of eligible officers service-wide) will be assigned import or export quotas respectively, the satisfaction of which will make good the departures from the average. Quotas of less than 0.5 will be disregarded and other quotas will be rounded to the nearest whole number.

18. For the purposes of determining import/export quotas, all promotions of Executive Officers to Higher Executive Officer (including promotions to Higher Executive Officer/Systems Analyst made after 1 January 1990) will be reckonable.

19. In any case where Departments have been divided or amalgamated during the three-year period referred to in paragraph 17 above, import/export quotas for such Departments will relate to the functional area for which the Department now has responsibility. Their quotas will be calculated by reference to the numbers of (a) eligible officers and (b) promotions of officers in the individual Branches/Divisions involved in the interdepartmental reorganisation over the relevant three-year period.

Selection procedures

20. The selection will be by means of competition conducted by the Civil Service Commission (CSC). The competition will consist of a written test and a competitive interview.

21. The written test will take the format of a case study paper and a numerical paper. The numerical paper, which will be in multiple-choice format, will be marked on a pass/fail basis. The order of merit at the written test will be determined by the marks obtained in the case study paper. All candidates who meet the eligibility requirements and who are sent forward for the competition (see paragraph 11 above) will be invited to the written test. The test may be taken in either Irish or English but no extra marks will be given for taking it in one language rather than the other.

22. Performance at the written test will determine which candidates go forward to the interview which will be competitive and will determine which candidates are fully qualified for appointment. The marks obtained at the written test will not,

however, be carried forward to the interview and will not be made available to the interview board. Likewise, the interview board will not be given the order of merit of candidates resulting from the written test. The interviews will be conducted by a board(s) to be set up by the CSC. Panels will be drawn up, in order of merit, from the qualified candidates.

23. In the event of a candidate who has been invited for interview accepting an offer of promotion made in the normal course or under the scheme or to a grade covered by the scheme his/her invitation to interview will lapse and s/he will no longer be eligible to take part in the competition.

24. In placing in order of merit the candidates considered best qualified for appointment the CSC will give credit for proficiency in both Irish and English in accordance with Circular 30/90 and Circular 43/75 to candidates qualified for the award of such credit on or before the date specified in the Circular.

25. Membership of the interview board will consist of serving civil servants of not less than Assistant Principal rank, not excluding recently retired civil servants, and will, as far as practicable, be representative of employing Departments (i.e. those to which successful applicants are likely to be assigned) and will, save in exceptional circumstances, have at least one female member. Not more than one member of the board will be a retired civil servant.

26. The number of candidates called to interview and the number of qualified candidates placed on the panels established in order of merit will be based on an estimate, to be supplied by the Department of Finance, of the likely requirements from the panels for the period in question. If, however, that estimate exceeds the number of candidates qualified by the interview board as suitable for promotion, Panel B will comprise the latter only.

Knowledge of Irish

27. It is recognised that the position in relation to the performance of duties in the Department of Arts, Heritage, Gaeltacht and the Islands, the Department of Education and Science and the CSC through the medium of Irish could present special difficulties. Those Departments may, therefore, as an exceptional arrangement, satisfy themselves as to the competence of any candidate, due to be assigned to them, to undertake such duties through the medium of Irish. If further appraisal of a candidate's competence in that respect is sought, it will be effected by the CSC on the basis of a test held specifically for that purpose.

Appointments

28. Appointments will be made from the panels in accordance with the provisions of the scheme. Appointments will be in an acting capacity for at least one year and will be subject to the usual conditions governing such appointments. Officers not promoted at the expiry of the panels will have no claim to promotion thereafter because of their having been on the panels. In the event of reversion an officer will

return to fill a vacancy in the grade previously held in the Department which sent the officer forward for the competition. The next person on the relevant panel will be appointed to the vacancy thus created without affecting the sequence of appointments in that Department provided the reversion occurred before the expiry of the relevant panel.

29. Officers on the panels will continue to be eligible for promotion in the normal course in their own Department but in the event of any such officer accepting an offer of appointment made in the normal course or under the scheme or to a grade covered by the scheme s/he will no longer be offered appointment to posts at or below that level under the scheme.

30. Any candidate who (a) resigns, retires, is suspended or dismissed from his/her post or (b) is not qualified by the selection board as being suitable for promotion to Higher Executive Officer level, will not be eligible to be placed on Panel B.

31. In the event that Panel B is exhausted prior to its expiry date and the Official and Staff Sides agree that additional qualified candidates can be placed on Panel B, qualified candidates who have already been appointed under the provisions of paragraph 37(b) below to provincial locations may, should an appointment in Dublin arise prior to the expiry date of the panel, be offered, in order of merit, appointment from the panel to Dublin. The assignment of an officer from a provincial location to Dublin in these circumstances would meet the receiving Department's liability to Panel B. This is strictly an exception to the general provision at paragraph 29 above.

Refusal of appointments

32. Appointments will be offered, in order of merit, to officers on the panels set up as a result of the interdepartmental competition. An officer may refuse an appointment on grounds of grade offered or geographic location. An officer may also refuse an appointment to FAS or NAOSH.

33. An officer who refuses appointment **on grounds of the grade offered** will not be offered an appointment to that grade again but will remain on the panel for appointments to other grades.

34. An officer who refuses an offer of appointment to **Dublin on grounds of geographic location** will not subsequently be offered an appointment to Dublin again but will remain eligible for appointment to such provincial locations as s/he has specified should appointments arise in those locations. Likewise, an officer who refuses an offer of appointment **on grounds of geographical location to a provincial location** which s/he has specified will remain eligible for appointment to Dublin but will not be offered appointment to a provincial location again, except that an officer stationed in a provincial location who has specified that location may refuse an offer of appointment to another provincial location and remain

eligible for appointment in the location where s/he is stationed.

35. An officer who refuses an appointment in FAS or NAOSH will not be offered another appointment in that body but will remain on the panel for other appointments.

36. An officer who refuses an offer of appointment under the provisions of paragraph 32 above and who has not been promoted at the expiry of the relevant panel will have no claim to promotion thereafter because of having been on the panel.

37. An appointment refused under the provisions of paragraph 32 above will be offered successively in order of merit to the remaining candidates on the appropriate panel until the post is filled. If the appropriate panel is Panel A and if no candidate accepts the position, it will be offered to those candidates from exporting Departments placed on Panel B but excluded from Panel A because of the export quota limitation referred to in paragraph 4(i). If there are no candidates from exporting Departments remaining on Panel B at that stage or if none of them accept the position, the appointment will be offered in order of merit to those remaining on Panel B. In the event that the post cannot be filled in this way and

(a) **the appointment has been refused on grounds of grade or because it is in FAS or NAOSH**, it will be filled by internal promotion in the Department concerned and that Department will be deemed to have satisfied its panel liabilities in respect of the vacancy in question

(b) **the appointment is to a provincial location and has been refused on grounds of geographic location**, it will be offered, in order of merit, to those candidates who have been qualified for appointment (but who were not placed on the panels) and who have specified that they would be prepared to serve in that provincial location (paragraph 5 refers). A candidate who refuses an offer of appointment to a provincial location in these circumstances will not subsequently be offered appointment to any provincial location. If the post cannot be filled in this manner it may then be filled internally in the Department concerned *but* that Department will carry a debt forward, for that particular location, to the next equivalent panel established under this scheme. The next fillable vacancy that arises in that particular location in the Department concerned during the life of the subsequent panel will be due to be filled from the panel; if it cannot be filled in this manner, the debt will lapse

(c) **the appointment is to Dublin and has been refused on grounds of geographic location**, it will be filled by internal promotion in the Department concerned *but* that Department will carry a debt forward, for Dublin, to the next equivalent panel established under this scheme. The next fillable vacancy that arises in Dublin in the Department concerned during the life of the subsequent panel will be due to be filled from the panel.

38. An officer who is not found qualified for appointment because of the particular

Irish requirement outlined in paragraph 27 above, will retain his/her place on the relevant panel. If on expiry of that panel such an officer has not been promoted and it is established that s/he would have been promoted from the panel but for the operation of the Irish requirement, s/he will be offered the first appointment which would fall to be filled from the next equivalent panel established under this scheme and to which the Irish requirement does not apply.

39. When offers are made, the officer will have a maximum of five working days after receipt of the offer to accept or reject the offer of appointment.

Applications

40. Application forms will be made available by the CSC to Personnel Sections. Applications should be addressed to the Head of the Department in which the candidate is serving. Where a candidate is on loan, the Head of the Department concerned should transmit the application to the parent Department. Applicants from FAS or NAOSH should address their applications to the Secretary General, Department of Enterprise, Trade and Employment. Candidates who are subsequently called to the competitive interview will be supplied with a supplementary application form which will be designed to give candidates the opportunity to present their relevant qualifications and experience to best advantage.

Performance appraisal

41. In the case of each candidate who is called to competitive interview, the Head of the relevant Department will furnish the CSC with an assessment of the candidate's suitability for promotion on a form to be supplied by the CSC. The promotion potential form in the relevant scheme of performance appraisal as completed at the last appraisal before the date of the Circular advertising the competition should be used when completing that form. Where a sufficiently long period, say of the order of nine months, has elapsed since the candidate's appraisal and where there is sufficient reason to believe that the candidate's performance in the interim period merits a change in the assessment, then a current appraisal should be made.

Steering Committee

42. A Steering Committee, representative of the Official and Staff Sides, will monitor the progress of the scheme with a view to resolving issues which may arise in relation to its operation.

Review

43. The Official and Staff Sides will review general issues arising from the operation of this scheme.

Reservations

44. The Minister for Finance reserves the right to suspend or modify the scheme in

the event of redundancy which has to be dealt with on a general service-wide basis.

45. The Minister for Finance also reserves the right to arrange for the filling, by separate interdepartmental competition or otherwise, of vacancies at Higher Executive Officer level for which special qualifications are deemed necessary or in respect of which other special circumstances exist. Before an interdepartmental competition is initiated in any case where special circumstances are deemed to exist, there shall be consultation between the Official and Staff Sides.

July 1998

This report was adopted on 29 July 1998